

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1282 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1282

By: Lawson

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10A O.S. 2011,
9 Sections 2-3-101, as last amended by Section 2,
10 Chapter 234, O.S.L. 2016 and 2-7-401, as last amended
11 by Section 2, Chapter 67, O.S.L. 2016 (10A O.S. Supp.
12 2019, Sections 2-3-101 and 2-7-401), which relate to
13 detention of juveniles; allowing placement of
14 children under fourteen years of age in juvenile
15 detention facilities only under certain
16 circumstances; providing for one-hundred-percent
17 reimbursement for operating costs for certain
18 children being held in juvenile detention; and
19 providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-3-101, as
22 last amended by Section 2, Chapter 234, O.S.L. 2016 (10A O.S. Supp.
23 2019, Section 2-3-101), is amended to read as follows:

24 Section 2-3-101. A. When a child is taken into custody
pursuant to the provisions of the Oklahoma Juvenile Code, the child
shall be detained only if it is necessary to assure the appearance
of the child in court or for the protection of the child or the
public.

1 1. a. No child under twelve (12) years of age shall be
2 placed in a juvenile detention facility unless all
3 alternatives have been exhausted and the child is
4 currently charged with a criminal offense that would
5 constitute a felony if committed by an adult and it
6 has been indicated by a risk assessment screening that
7 the child requires detention. The detention of any
8 child under twelve (12) years of age shall be
9 judicially reviewed pursuant to subparagraph c of this
10 paragraph.

11 b. Any child who is thirteen (13) or fourteen (14) years
12 of age may be admitted to a juvenile detention
13 facility only after all alternatives have been
14 exhausted and the child is currently charged with a
15 criminal offense that would constitute a felony if
16 committed by an adult and it has been indicated by a
17 risk assessment screening that the child requires
18 detention.

19 c. No preadjudicatory or predisposition detention or
20 custody order shall remain in force and effect for
21 more than thirty (30) days. The court, for good and
22 sufficient cause shown, may extend the effective
23 period of such an order for an additional period not
24 to exceed sixty (60) days. If the child is being

1 detained for the commission of a murder, the court
2 may, if it is in the best interests of justice, extend
3 the effective period of such an order an additional
4 sixty (60) days.

5 ~~b.~~ d. Whenever the court orders a child to be held in a
6 juvenile detention facility, an order for secure
7 detention shall remain in force and effect for not
8 more than fifteen (15) days after such order. Upon an
9 application of the district attorney and after a
10 hearing on such application, the court, for good and
11 sufficient cause shown, may extend the effective
12 period of such an order for an additional period not
13 to exceed fifteen (15) days after such hearing. The
14 total period of preadjudicatory or predisposition
15 shall not exceed the ninety-day limitation as
16 specified in subparagraph a of this paragraph. The
17 child shall be present at the hearing on the
18 application for extension unless, as authorized and
19 approved by the court, the attorney for the child is
20 present at the hearing and the child is available to
21 participate in the hearing via telephone conference
22 communication. For the purpose of this paragraph,
23 "telephone conference communication" means use of a
24 telephone device that allows all parties, including

1 the child, to hear and be heard by the other parties
2 at the hearing. After the hearing, the court may
3 order continued detention in a juvenile detention
4 center, may order the child detained in an alternative
5 to secure detention or may order the release of the
6 child from detention.

7 2. No child alleged or adjudicated to be deprived or in need of
8 supervision or who is or appears to be a minor in need of treatment
9 as defined by the Inpatient Mental Health and Substance Abuse
10 Treatment of Minors Act, shall be confined in any jail, adult
11 lockup, or adult detention facility. No child shall be transported
12 or detained in association with criminal, vicious, or dissolute
13 persons.

14 3. Except as otherwise authorized by this section a child who
15 has been taken into custody as a deprived child, a child in need of
16 supervision, or who appears to be a minor in need of treatment, may
17 not be placed in any detention facility pending court proceedings,
18 but must be placed in shelter care or foster care or, with regard to
19 a child who appears to be a minor in need of treatment, a behavioral
20 health treatment facility in accordance with the provisions of the
21 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
22 or released to the custody of the parents of the child or some other
23 responsible party. Provided, this shall not preclude runaway
24 juveniles from other states, with or without delinquent status, to

1 be held in a detention facility in accordance with the Interstate
2 Compact for Juveniles in Sections 2-9-101 through 2-9-116 of this
3 title and rules promulgated by the Interstate Commission.

4 B. No child shall be placed in secure detention unless:

5 1. The child is an escapee from any delinquent placement;

6 2. The child is a fugitive from another jurisdiction with a
7 warrant on a delinquency charge or confirmation of delinquency
8 charges by the home jurisdiction;

9 3. The child is seriously assaultive or destructive towards
10 others or self;

11 4. The child is currently charged with any criminal offense
12 that would constitute a felony if committed by an adult or a
13 misdemeanor and:

14 a. is on probation or parole on a prior delinquent
15 offense,

16 b. is on preadjudicatory community supervision, or

17 c. is currently on release status on a prior delinquent
18 offense;

19 5. The child has willfully failed or there is reason to believe
20 that the child will willfully fail to appear for juvenile court
21 proceedings;

22 6. A warrant for the child has been issued on the basis that:

23 a. the child is absent from court-ordered placement
24 without approval by the court,

1 b. the child is absent from designated placement by the
2 Office of Juvenile Affairs without approval by the
3 Office of Juvenile Affairs,

4 c. there is reason to believe the child will not remain
5 at said placement, or

6 d. the child is subject to an administrative transfer or
7 parole revocation proceeding.

8 C. A child who has violated a court order and has had the order
9 revoked or modified pursuant to Section 2-2-503 of this title may be
10 placed into an Office-of-Juvenile-Affairs-designated sanction
11 detention bed or an Office-of-Juvenile-Affairs-approved sanction
12 program.

13 D. Priority shall be given to the use of juvenile detention
14 facilities for the detention of juvenile offenders through
15 provisions requiring the removal from detention of a juvenile with a
16 lower priority status if an empty detention bed is not available at
17 the time of referral of a juvenile with a higher priority status and
18 if the juvenile with a higher priority status would be more of a
19 danger to the public than the juvenile with the lower priority
20 status.

21 E. 1. Except as otherwise provided in this section, no child
22 shall be placed in secure detention in a jail, adult lockup, or
23 other adult detention facility unless:

- 1 a. the child is detained for the commission of a crime
2 that would constitute a felony if committed by an
3 adult, and
- 4 b. the child is awaiting an initial court appearance, and
- 5 c. the initial court appearance of the child is scheduled
6 within twenty-four (24) hours after being taken into
7 custody, excluding weekends and holidays, and
- 8 d. the court of jurisdiction is outside of the Standard
9 Metropolitan Statistical Area as defined by the Bureau
10 of Census, and
- 11 e. there is no existing acceptable alternative placement
12 for the child, and
- 13 f. the jail, adult lockup or adult detention facility
14 provides sight and sound separation for juveniles,
15 pursuant to standards required by subsection E of
16 Section 2-3-103 of this title, or
- 17 g. the jail, adult lockup or adult detention facility
18 meets the requirements for licensure of juvenile
19 detention facilities, as adopted by the Office of
20 Juvenile Affairs, is appropriately licensed, and
21 provides sight and sound separation for juveniles,
22 which includes:
- 23 (1) total separation between juveniles and adult
24 facility spatial areas such that there could be

1 no haphazard or accidental contact between
2 juvenile and adult residents in the respective
3 facilities,

4 (2) total separation in all juvenile and adult
5 program activities within the facilities,
6 including recreation, education, counseling,
7 health care, dining, sleeping and general living
8 activities, and

9 (3) separate juvenile and adult staff, specifically
10 direct care staff such as recreation, education
11 and counseling.

12 Specialized services staff, such as cooks,
13 bookkeepers, and medical professionals who are not
14 normally in contact with detainees or whose infrequent
15 contacts occur under conditions of separation of
16 juveniles and adults can serve both.

17 2. Nothing in this section shall preclude a child who is
18 detained for the commission of a crime that would constitute a
19 felony if committed by an adult, or a child who is an escapee from a
20 juvenile secure facility or from an Office of Juvenile Affairs group
21 home from being held in any jail certified by the State Department
22 of Health, police station or similar law enforcement offices for up
23 to six (6) hours for purposes of identification, processing or
24 arranging for transfer to a secure detention or alternative to

1 secure detention. Such holding shall be limited to the absolute
2 minimum time necessary to complete these actions.

3 a. The time limitations for holding a child in a jail for
4 the purposes of identification, processing or
5 arranging transfer established by this section shall
6 not include the actual travel time required for
7 transporting a child from a jail to a juvenile
8 detention facility or alternative to secure detention.

9 b. Whenever the time limitations established by this
10 subsection are exceeded, this circumstance shall not
11 constitute a defense in a subsequent delinquency or
12 criminal proceeding.

13 3. Nothing in this section shall preclude detaining in a county
14 jail or other adult detention facility an eighteen-year-old charged
15 in a juvenile petition for whom certification to stand trial as an
16 adult is prayed. However, if no certification motion is filed, the
17 eighteen-year-old may remain in a juvenile detention facility as
18 long as secure detention is required.

19 4. Nothing in this section shall preclude detaining in a county
20 jail or other adult detention facility a person provided for in
21 Section 2-3-102 of this title if written or electronically
22 transmitted confirmation is received from the state seeking return
23 of the individual that the person is a person provided for in
24 Section 2-3-102 of this title and if, during the time of detention,

1 the person is detained in a facility meeting the requirements of
2 Section 2-3-103 of this title.

3 5. Nothing in this section shall preclude detaining a person,
4 whose age is not immediately ascertainable and who is being detained
5 for the commission of a felony, in a jail certified by the State
6 Department of Health, a police station or similar law enforcement
7 office for up to twenty-four (24) hours for the purpose of
8 determining whether or not the person is a child, if:

9 a. there is a reasonable belief that the person is
10 eighteen (18) years of age or older,

11 b. there is a reasonable belief that a felony has been
12 committed by the person,

13 c. a court order for such detention is obtained from a
14 judge of the district court within six (6) hours of
15 initially detaining the person,

16 d. there is no juvenile detention facility that has space
17 available for the person and that is within thirty
18 (30) miles of the jail, police station, or law
19 enforcement office in which the person is to be
20 detained, and

21 e. during the time of detention the person is detained in
22 a facility meeting the requirements of subparagraph g
23 of paragraph 1 of this subsection.

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1 The time limitation provided for in this paragraph shall include the
2 time the person is detained prior to the issuance of the court
3 order.

4 The time limitation provided for in this paragraph shall not include
5 the actual travel time required for transporting the person to the
6 jail, police station, or similar law enforcement office. If the
7 time limitation established by this paragraph is exceeded, this
8 circumstance shall not constitute a defense in any subsequent
9 delinquency or criminal proceeding.

10 F. Nothing contained in this section shall in any way reduce or
11 eliminate the liability of a county as otherwise provided by law for
12 injury or damages resulting from the placement of a child in a jail,
13 adult lockup, or other adult detention facility.

14 G. Any juvenile detention facility shall be available for use
15 by any eligible Indian child as that term is defined by the Oklahoma
16 Indian Child Welfare Act, providing that the use of the juvenile
17 detention facility meets the requirements of the Oklahoma Juvenile
18 Code. The Indian tribe may contract with any juvenile detention
19 facility for the providing of detention services.

20 H. Each member of the staff of a juvenile detention facility
21 shall satisfactorily complete a training program provided or
22 approved by the Office of Juvenile Affairs.

23 I. Whenever a juvenile is placed in any jail, adult lockup, or
24 other detention facility, the Office of Juvenile Affairs shall have

1 access to all facilities which detain such juveniles and shall have
2 access to any data regarding such juveniles. The Office of Juvenile
3 Affairs shall have access to all jails, adult lockups, or other
4 adult facilities in this state, including all data maintained by
5 such facilities, to assure compliance with this section. The Board
6 of Juvenile Affairs shall promulgate rules as necessary to implement
7 the provisions of this section.

8 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-401, as
9 last amended by Section 2, Chapter 67, O.S.L. 2016 (10A O.S. Supp.
10 2019, Section 2-7-401), is amended to read as follows:

11 Section 2-7-401. A. There is hereby created in the State
12 Treasury a revolving fund for the Office of Juvenile Affairs to be
13 designated the "Juvenile Detention Improvement Revolving Fund". The
14 fund shall be a continuing fund, not subject to fiscal year
15 limitations, and shall consist of all monies appropriated to the
16 Juvenile Detention Improvement Revolving Fund and monies which may
17 otherwise be available to the Office of Juvenile Affairs for use as
18 provided for in this section.

19 B. All monies appropriated to the fund shall be budgeted and
20 expended by the Office of Juvenile Affairs for the purpose of
21 providing funds to counties to renovate existing juvenile detention
22 facilities, to construct new juvenile detention facilities, to
23 operate juvenile detention facilities and otherwise provide for
24 secure juvenile detention services and alternatives to secure

1 detention as necessary and appropriate, in accordance with state-
2 approved juvenile detention standards and the State Plan for the
3 Establishment of Juvenile Detention Services provided for in Section
4 2-3-103 of this title. The participation of local resources shall
5 be a requirement for the receipt by counties of said funds and the
6 Department shall establish a system of rates for the reimbursement
7 of secure detention costs to counties. The methodology for the
8 establishment of said rates may include, but not be limited to,
9 consideration of detention costs, the size of the facility, services
10 provided and geographic location. Expenditures from said fund shall
11 be made upon warrants issued by the State Treasurer against claims
12 filed as prescribed by law with the Director of the Office of
13 Management and Enterprise Services for approval and payment.

14 1. The rate of reimbursement of approved operating cost shall
15 be eighty-five percent (85%) for the Office of Juvenile Affairs and
16 fifteen percent (15%) for the county.

17 2. The rate of reimbursement of approved operating cost shall
18 be one hundred percent (100%) for the Office of Juvenile Affairs for
19 a child in the custody of the Office of Juvenile Affairs after
20 adjudication and disposition who is held in a juvenile detention
21 facility when the child is pending a placement consistent with the
22 treatment needs of that child as identified by the Office of
23 Juvenile Affairs.

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1 3. The Office of Juvenile Affairs shall approve only those
2 applications for funds to renovate an existing juvenile detention
3 facility or any other existing facility or to construct a new
4 juvenile detention facility which contain proposed plans that are in
5 compliance with state-approved juvenile detention standards.

6 ~~3.~~ 4. The Office of Juvenile Affairs shall approve only those
7 applications or contracts for funds to operate juvenile detention
8 facilities or otherwise provide for secure juvenile detention
9 services and alternatives to secure detention which are in
10 compliance with or which are designed to achieve compliance with the
11 State Plan for the Establishment of Juvenile Detention Services
12 provided for in Section 2-3-103 of this title.

13 ~~4.~~ 5. The Office of Juvenile Affairs shall, from appropriated
14 state monies or from available federal grants, provide for payment
15 pursuant to contract for transportation personnel and vehicle-
16 related costs and reimburse for eligible travel costs for counties
17 utilizing the juvenile detention facilities identified in the "State
18 Plan for the Establishment of Juvenile Detention Services" in
19 accordance with the provisions of the State Travel Reimbursement Act
20 and in accordance with Section 2-3-103 of this title.

21 SECTION 3. This act shall become effective November 1, 2020.

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23 57-2-10816 JW 01/30/20
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1 Short Title: Children; detainment in adult facilities; grievance
process; effective date.

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3 Subject(s): Children - Delinquents and Juveniles; Juvenile Affairs
Office (OJA)

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1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL NO. HB3211

By: Lawson

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6 AS INTRODUCED

7 An Act relating to children; establishing a grievance
8 procedure for children detained in adult facilities;
9 directing administration by Oklahoma Commission on
10 Children and Youth; requiring notice to certain
11 agencies; establishing emergency grievances;
12 requiring facilities to make procedures available;
13 directing Oklahoma Commission on Children and Youth
14 to promulgate rules; providing for codification; and
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-3-105 of Title 10A, unless
19 there is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Commission on Children and Youth shall
21 administer a grievance process to be utilized by children detained
22 in ~~a~~ an adult jail, adult lockup, or other adult detention or other
23 facility. The grievance process shall be available to a child at
24 any time prior to or after adjudication or conviction or during his
or her incarceration. Grievances may be filed either by the child
or by ~~someone~~ any person acting on the child's behalf.

1 B. Grievances shall be directed to the Commission's Office of
2 Juvenile System Oversight for investigation, resolution and referral
3 to the appropriate agency if deemed necessary, including the
4 Department of Health under its authority.

5 1. The Office of Juvenile System Oversight shall have the
6 authority to investigate complaints including, but not limited to,
7 the following:

- 8 a. placement,
- 9 b. treatment,
- 10 c. psychological services,
- 11 d. social services,
- 12 e. educational services,
- 13 f. recreation,
- 14 g. abuse, neglect or misconduct,
- 15 h. cleanliness and hygiene, and
- 16 i. routine problems with employees, contractors or other
17 incarcerated persons within the facility.

18 ~~2. In any situation in which the child or person acting on the~~
19 ~~child's behalf believes that the child is subject to substantial~~
20 ~~risk of imminent sexual abuse, the child or person acting on the~~
21 ~~child's behalf may file a grievance as an emergency grievance.~~
22 ~~Immediately upon the discovery that an emergency grievance has been~~
23 ~~filed, the emergency grievance shall be forwarded to the~~

24

1 ~~superintendent of the facility or a designee, who shall take~~
2 ~~corrective action within forty-eight (48) hours.~~

3 23. The Office of Juvenile System Oversight shall notify the
4 Office of Juvenile Affairs compliance monitor or designee when a
5 complaint grievance is received. ~~if it is determined that the child~~
6 ~~was in the custody of the Office of Juvenile Affairs or the~~
7 ~~Department of Human Services.~~ The Office of Juvenile System
8 Oversight shall notify the Oklahoma Department of Human Services
9 when a complaint grievance is received on a child in the custody of
10 the Oklahoma Department of Human Services.

11 C. Each facility in which children are being held shall:

12 1. Make all grievance policies and procedures available upon
13 request to any member of the public;

14 2. Make grievance policies and procedures readily accessible to
15 any children in residence the facility; and

16 3. Explain all grievance policies and procedures to every child
17 during his or her intake at the facility.

18 D. The Oklahoma Commission on Children and Youth shall
19 promulgate rules for the purposes of administering this section that
20 are consistent with grievance procedures available to children
21 detained in juvenile detention facilities as promulgated by the
22 Office of Juvenile Affairs.

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1 E. A child housed in a Department of Corrections facility or
2 housed under a contract with the Department of Corrections is
3 excluded from this section.

4 SECTION 2. This act shall become effective November 1, 2020.

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6 57-2-9467 JW 12/27/19
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COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3214 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark Lawson _____

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3214

By: Lawson

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to children; amending 10A O.S. 2011,
10 Section 2-3-101, as last amended by Section 2,
11 Chapter 234, O.S.L. 2016 (10A O.S. Supp. 2019,
12 Section 2-3-101), which relates to detention of
13 children in adult facilities; prohibiting detainment
14 of children in adult facilities; providing
15 exceptions; requiring hearing and certain findings
16 before confinement of child in adult facility;
17 establishing factors for court to consider; affording
18 certain rights and protections to child; and
19 providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-3-101, as
22 last amended by Section 2, Chapter 234, O.S.L. 2016 (10A O.S. Supp.
23 2019, Section 2-3-101), is amended to read as follows:

24 Section 2-3-101. A. When a child is taken into custody
pursuant to the provisions of the Oklahoma Juvenile Code, the child
shall be detained only if it is necessary to assure the appearance

1 of the child in court or for the protection of the child or the
2 public.

3 1. a. No preadjudicatory or predisposition detention or
4 custody order shall remain in force and effect for
5 more than thirty (30) days. The court, for good and
6 sufficient cause shown, may extend the effective
7 period of such an order for an additional period not
8 to exceed sixty (60) days. If the child is being
9 detained for the commission of a murder, the court
10 may, if it is in the best interests of justice, extend
11 the effective period of such an order ~~an additional~~
12 ~~sixty (60) days.~~

13 b. Whenever the court orders a child to be held in a
14 juvenile detention facility, an order for secure
15 detention shall remain in force and effect for not
16 more than fifteen (15) days after such order. Upon an
17 application of the district attorney and after a
18 hearing on such application, the court, for good and
19 sufficient cause shown, may extend the effective
20 period of such an order for an additional period not
21 to exceed fifteen (15) days after such hearing. The
22 total period of preadjudicatory or predisposition
23 shall not exceed the ninety-day limitation as
24 specified in subparagraph a of this paragraph. The

1 child shall be present at the hearing on the
2 application for extension unless, as authorized and
3 approved by the court, the attorney for the child is
4 present at the hearing and the child is available to
5 participate in the hearing via telephone conference
6 communication. For the purpose of this paragraph,
7 "telephone conference communication" means use of a
8 telephone device that allows all parties, including
9 the child, to hear and be heard by the other parties
10 at the hearing. After the hearing, the court may
11 order continued detention in a juvenile detention
12 center, may order the child detained in an alternative
13 to secure detention or may order the release of the
14 child from detention.

15 2. No child alleged or adjudicated to be deprived or in need of
16 supervision or who is or appears to be a minor in need of treatment
17 as defined by the Inpatient Mental Health and Substance Abuse
18 Treatment of Minors Act, shall be confined in any jail, adult
19 lockup, or adult detention facility. No child shall be transported
20 or detained in association with criminal, vicious, or dissolute
21 persons.

22 3. Except as otherwise authorized by this section a child who
23 has been taken into custody as a deprived child, a child in need of
24 supervision, or who appears to be a minor in need of treatment, may

1 not be placed in any detention facility pending court proceedings,
2 but must be placed in shelter care or foster care or, with regard to
3 a child who appears to be a minor in need of treatment, a behavioral
4 health treatment facility in accordance with the provisions of the
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
6 or released to the custody of the parents of the child or some other
7 responsible party. Provided, this shall not preclude runaway
8 juveniles from other states, with or without delinquent status, to
9 be held in a detention facility in accordance with the Interstate
10 Compact for Juveniles in Sections 2-9-101 through 2-9-116 of this
11 title and rules promulgated by the Interstate Commission.

12 B. No child shall be placed in secure detention unless:

13 1. The child is an escapee from any delinquent placement;

14 2. The child is a fugitive from another jurisdiction with a
15 warrant on a delinquency charge or confirmation of delinquency
16 charges by the home jurisdiction;

17 3. The child is seriously assaultive or destructive towards
18 others or self;

19 4. The child is currently charged with any criminal offense
20 that would constitute a felony if committed by an adult or a
21 misdemeanor and:

22 a. is on probation or parole on a prior delinquent
23 offense,

24 b. is on preadjudicatory community supervision, or

1 c. is currently on release status on a prior delinquent
2 offense;

3 5. The child has willfully failed or there is reason to believe
4 that the child will willfully fail to appear for juvenile court
5 proceedings;

6 6. A warrant for the child has been issued on the basis that:

7 a. the child is absent from court-ordered placement
8 without approval by the court,

9 b. the child is absent from designated placement by the
10 Office of Juvenile Affairs without approval by the
11 Office of Juvenile Affairs,

12 c. there is reason to believe the child will not remain
13 at said placement, or

14 d. the child is subject to an administrative transfer or
15 parole revocation proceeding.

16 C. A child who has violated a court order and has had the order
17 revoked or modified pursuant to Section 2-2-503 of this title may be
18 placed into an Office-of-Juvenile-Affairs-designated sanction
19 detention bed or an Office-of-Juvenile-Affairs-approved sanction
20 program.

21 D. Priority shall be given to the use of juvenile detention
22 facilities for the detention of juvenile offenders through
23 provisions requiring the removal from detention of a juvenile with a
24 lower priority status if an empty detention bed is not available at

1 the time of referral of a juvenile with a higher priority status and
2 if the juvenile with a higher priority status would be more of a
3 danger to the public than the juvenile with the lower priority
4 status.

5 E. Juvenile detention facilities shall be the default placement
6 for all persons under seventeen (17) years of age. No child shall
7 be placed in secure detention in an adult jail, adult lockup, adult
8 detention or other adult facility except as provided in this
9 section.

10 1. Any child who is at least fifteen (15) years of age who is
11 charged with murder in the first degree may be detained in an adult
12 jail, adult lockup, adult detention or other adult facility only
13 after a hearing in which the child is provided representation and a
14 written court order stating that it is in the interest of justice
15 that the child be placed in an adult jail, adult lockup, adult
16 detention or other adult facility and if that facility is licensed
17 by the Office of Juvenile Affairs to detain children under eighteen
18 (18) years of age.

19 2. In determining whether it is in the interest of justice that
20 a child who is at least fifteen (15) years of age and who is charged
21 with murder in the first degree be placed in an adult jail, adult
22 lockup, adult detention or other adult facility, the court shall
23 consider:

24 a. the age of the child,

- 1 b. the physical and mental maturity of the child,
2 c. the present mental state of the child, including
3 whether the child presents an imminent risk of harm to
4 himself or herself,
5 d. the nature and circumstances of the alleged offense,
6 e. the child's history of prior delinquent acts,
7 f. the relative ability of the available adult and
8 juvenile detention facilities to not only meet the
9 specific needs of the child but also to protect the
10 safety of the public as well as other detained youth,
11 and
12 g. any other relevant factors.

13 3. If a court determines that it is in the interest of justice
14 that the child be placed in an adult jail, adult lockup, adult
15 detention or other adult facility:

- 16 a. the court shall hold a hearing not less frequently
17 than once every thirty (30) days, or in the case of a
18 rural jurisdiction, which is any jurisdiction not
19 located in a metropolitan statistical area, as defined
20 by the United States Office of Management and Budget,
21 not less frequently than once every forty-five (45)
22 days, to review whether it is still in the interest of
23 justice to permit the juvenile to be so held, and
24

1 b. the child shall not be held in any adult jail or
2 lockup for adults for more than one hundred eighty
3 (180) days, unless the court, in writing, determines
4 there is good cause for an extension or the child
5 expressly waives this limitation.

6 F. When a child is placed in an adult jail, adult lockup, adult
7 detention or other adult facility, he or she shall be afforded the
8 following rights and protections in order to address the child's
9 health and safety:

10 1. A copy of the child's most current mental health or suicide
11 screening instrument approved by the Office of Juvenile Affairs
12 shall be provided to the adult jail, adult lockup or adult detention
13 facility at the time of the child's transfer; and

14 2. Adult jails, adult lockups, adult detentions or other adult
15 facilities shall process requests for visits and allow approved
16 visitors contact visits with the child within five (5) business days
17 of the request.

18 G. 1. Except as otherwise provided in this section, no child
19 shall be placed in secure detention in a ~~a~~ an adult jail, adult
20 lockup, ~~or other~~ adult detention or other adult facility unless:

21 a. ~~the child is detained for the commission of a crime~~
22 ~~that would constitute a felony if committed by an~~
23 ~~adult, and~~

24 b. ~~the child is awaiting an initial court appearance, and~~

1 ~~e. the initial court appearance of the child is scheduled~~
2 ~~within twenty-four (24) hours after being taken into~~
3 ~~custody, excluding weekends and holidays, and~~

4 ~~d. the court of jurisdiction is outside of the Standard~~
5 ~~Metropolitan Statistical Area as defined by the Bureau~~
6 ~~of Census, and~~

7 ~~e. there is no existing acceptable alternative placement~~
8 ~~for the child, and~~

9 ~~f.~~ the adult jail, adult lockup or adult detention
10 facility provides sight and sound separation for
11 juveniles, pursuant to standards required by
12 subsection E of Section 2-3-103 of this title, ~~or~~ and

13 ~~g.~~ b. the adult jail, adult lockup or adult detention
14 facility meets the requirements for licensure of
15 juvenile detention facilities, as adopted by the
16 Office of Juvenile Affairs, is appropriately licensed,
17 and provides sight and sound separation for juveniles,
18 which includes:

- 19 (1) total separation between juveniles and adult
20 facility spatial areas such that there could be
21 no haphazard or accidental contact between
22 juvenile and adult residents in the respective
23 facilities,

1 (2) total separation in all juvenile and adult
2 program activities within the facilities,
3 including recreation, education, counseling,
4 health care, dining, sleeping and general living
5 activities, and

6 (3) separate juvenile and adult staff, specifically
7 direct care staff such as recreation, education
8 and counseling.

9 Specialized services staff, such as cooks,
10 bookkeepers, and medical professionals who are not
11 normally in contact with detainees or whose infrequent
12 contacts occur under conditions of separation of
13 juveniles and adults can serve both.

14 2. Nothing in this section shall preclude a child who is
15 detained for the commission of a crime that would constitute a
16 felony if committed by an adult, or a child who is an escapee from a
17 juvenile secure facility or from an Office of Juvenile Affairs group
18 home from being held in any jail certified by the State Department
19 of Health, police station or similar law enforcement offices for up
20 to six (6) hours for purposes of identification, processing or
21 arranging for transfer to a secure detention or alternative to
22 secure detention. Such holding shall be limited to the absolute
23 minimum time necessary to complete these actions.

1 a. The time limitations for holding a child in a jail for
2 the purposes of identification, processing or
3 arranging transfer established by this section shall
4 not include the actual travel time required for
5 transporting a child from a jail to a juvenile
6 detention facility or alternative to secure detention.

7 b. Whenever the time limitations established by this
8 subsection are exceeded, this circumstance shall not
9 constitute a defense in a subsequent delinquency or
10 criminal proceeding.

11 3. Nothing in this section shall preclude detaining in a county
12 jail or other adult detention facility an eighteen-year-old charged
13 in a juvenile petition for whom certification to stand trial as an
14 adult is prayed. However, if no certification motion is filed, the
15 eighteen-year-old may remain in a juvenile detention facility as
16 long as secure detention is required.

17 4. Nothing in this section shall preclude detaining in a county
18 jail or other adult detention facility a person provided for in
19 Section 2-3-102 of this title if written or electronically
20 transmitted confirmation is received from the state seeking return
21 of the individual that the person is a person provided for in
22 Section 2-3-102 of this title and if, during the time of detention,
23 the person is detained in a facility meeting the requirements of
24 Section 2-3-103 of this title.

1 5. Nothing in this section shall preclude detaining a person,
2 whose age is not immediately ascertainable and who is being detained
3 for the commission of a felony, in a jail certified by the State
4 Department of Health, a police station or similar law enforcement
5 office for up to twenty-four (24) hours for the purpose of
6 determining whether or not the person is a child, if:

7 a. there is a reasonable belief that the person is
8 eighteen (18) years of age or older,

9 b. there is a reasonable belief that a felony has been
10 committed by the person,

11 c. a court order for such detention is obtained from a
12 judge of the district court within six (6) hours of
13 initially detaining the person,

14 d. there is no juvenile detention facility that has space
15 available for the person and that is within thirty
16 (30) miles of the jail, police station, or law
17 enforcement office in which the person is to be
18 detained, and

19 e. during the time of detention the person is detained in
20 a facility meeting the requirements of subparagraph g
21 of paragraph 1 of this subsection.

22 The time limitation provided for in this paragraph shall include the
23 time the person is detained prior to the issuance of the court
24 order.

1 The time limitation provided for in this paragraph shall not include
2 the actual travel time required for transporting the person to the
3 jail, police station, or similar law enforcement office. If the
4 time limitation established by this paragraph is exceeded, this
5 circumstance shall not constitute a defense in any subsequent
6 delinquency or criminal proceeding.

7 ~~F.~~ H. Nothing contained in this section shall in any way reduce
8 or eliminate the liability of a county as otherwise provided by law
9 for injury or damages resulting from the placement of a child in a
10 an adult jail, adult lockup, ~~or other~~ adult detention or other adult
11 facility.

12 ~~G.~~ I. Any juvenile detention facility shall be available for
13 use by any eligible Indian child as that term is defined by the
14 Oklahoma Indian Child Welfare Act, providing that the use of the
15 juvenile detention facility meets the requirements of the Oklahoma
16 Juvenile Code. The Indian tribe may contract with any juvenile
17 detention facility for the providing of detention services.

18 ~~H.~~ J. Each member of the staff of a juvenile detention facility
19 shall satisfactorily complete a training program provided or
20 approved by the Office of Juvenile Affairs.

21 ~~I.~~ K. Whenever a juvenile is placed in any adult jail, adult
22 lockup, ~~or other~~ adult detention or other adult facility, the Office
23 of Juvenile Affairs shall have access to all facilities which detain
24 such juveniles and shall have access to any data regarding such

1 juveniles. The Office of Juvenile Affairs shall have access to all
2 adult jails, adult lockups, adult detentions or other adult
3 facilities in this state, including all data maintained by such
4 facilities, to assure compliance with this section. The Board of
5 Juvenile Affairs shall promulgate rules as necessary to implement
6 the provisions of this section.

7 SECTION 2. This act shall become effective November 1, 2020.

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9 57-2-10815 JW 01/30/20

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1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3215

By: Lawson

4
5
6 AS INTRODUCED

7 An Act relating to children; amending Sections 1, 2,
8 3 and 7, Chapter 398, O.S.L. 2015 (10A O.S. Supp.
9 2019, Sections 2-2-401.1, 2-2-401.2, 2-2-401.3 and 2-
10 2-401.7), which relate to competency evaluations;
11 modifying definition; allowing for competency to be
12 raised in youthful offender proceedings; permitting
13 Office of Juvenile Affairs to raise issue of
14 competency; providing for access to records;
15 requiring dismissal under certain circumstances;
16 requiring court to order services in certain
17 circumstances; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY Section 1, Chapter 398, O.S.L.
20 2015 (10A O.S. Supp. 2019, Section 2-2-401.1), is amended to read as
21 follows:

22 Section 2-2-401.1 As used in ~~this act~~ Sections 2-2-401.1
23 through 2-2-401.7 of this title:

24 1. "Competent" and "competency" refer to a child's ability to
understand the nature and objectives of a proceeding against the
child or to assist in the child's defense. A child is incompetent
if, due to developmental disability, developmental immaturity,

1 intellectual disability, or mental illness, the child is presently
2 incapable of understanding the nature and objective of proceedings
3 against the child or of assisting in the child's defense;

4 2. "Credentialed forensic evaluator" means a licensed
5 psychologist, psychiatrist or other physician with necessary
6 education, training, and experience to perform juvenile competency
7 evaluations, and who has been approved to render such opinions for
8 the court;

9 3. "Developmental disability" means a severe and chronic
10 disability that is attributable to a mental or physical impairment.
11 Such disabilities include, but are not limited to, cerebral palsy,
12 epilepsy, autism, or other neurological conditions that lead to
13 impairment of general intellectual functioning or adaptive behavior;

14 4. "Developmental immaturity" means a condition based on a
15 juvenile's chronological age and significant lack of developmental
16 skills when the juvenile has no significant mental illness or
17 intellectual disability;

18 5. "Intellectual disability" means a disability characterized
19 by significant limitations both in intellectual functioning and in
20 adaptive behavior as expressed in conceptual, social and practical
21 adaptive skills;

22 6. "Mental illness" has the same meaning as in paragraph 11 of
23 Section 5-502 of Title 43A of the Oklahoma Statutes;

24

1 7. "Proceeding" means any delinquency or youthful offender
2 proceeding under the Oklahoma Juvenile Code.

3 SECTION 2. AMENDATORY Section 2, Chapter 398, O.S.L.
4 2015 (10A O.S. Supp. 2019, Section 2-2-401.2), is amended to read as
5 follows:

6 Section 2-2-401.2 A. 1. At any time prior to or during
7 delinquency or youthful offender proceedings pursuant to the
8 Oklahoma Juvenile Code, the child's attorney, the district attorney,
9 or the court may raise the issue of a child's competency to
10 participate in the proceeding. If at the time the issue of
11 competency is raised the child is not represented by counsel, the
12 court shall immediately appoint counsel. The court shall stay all
13 proceedings except to allow the filing of a delinquency petition or
14 youthful offender information.

15 2. At any time prior to or during delinquency or youthful
16 offender proceedings pursuant to the Oklahoma Juvenile Code, the
17 Office of Juvenile Affairs may raise the issue of a child's
18 competency for any child in its custody.

19 3. In any delinquency or youthful offender proceeding pursuant
20 to the Juvenile Code, if the child who is the subject of the
21 proceeding is thirteen (13) years or older and if the child is not
22 otherwise found to be developmentally disabled, developmentally
23 immature, intellectually disabled, or mentally ill, there exists a
24 rebuttable presumption that the child is competent. Such

1 presumption applies only for making a determination as to whether
2 the child is competent and shall not be used or applicable for any
3 other purpose.

4 B. The court may find a child incompetent without ordering a
5 competency evaluation or hearing if the district attorney and the
6 child's attorney, and at least one of the child's parents, legal
7 guardians, or guardian ad litem agree to the determination.

8 SECTION 3. AMENDATORY Section 3, Chapter 398, O.S.L.
9 2015 (10A O.S. Supp. 2019, Section 2-2-401.3), is amended to read as
10 follows:

11 Section 2-2-401.3 A. When the district attorney ~~or~~, the
12 child's attorney, or the Office of Juvenile Affairs on behalf of a
13 child in its custody has reasonable basis to believe that a child is
14 incompetent to proceed in the delinquency ~~action~~ or youthful
15 offender proceeding, the party shall file a motion for determination
16 of competency. The motion shall state that the child is incompetent
17 to proceed and shall state facts sufficient to set forth the
18 reasonable basis to conduct a competency evaluation. If the court
19 raises the issue sua sponte, the court by written order shall set
20 forth the reasonable basis that the child is incompetent to proceed.

21 B. Within five (5) judicial days after the motion is made, the
22 court shall make one of the following determinations:

23 1. That the child is incompetent pursuant to subsection B of
24 Section ~~2~~ 2-2-401.2 of this ~~act~~ title; or

1 2. Without conducting a hearing, that there exists a reasonable
2 basis to conduct a competency evaluation; or

3 3. To schedule a hearing to determine whether there exists a
4 reasonable basis to conduct a competency evaluation. Such hearing
5 shall be held within ten (10) judicial days. The court's
6 determination shall be announced no later than one (1) judicial day
7 after the conclusion of the hearing.

8 C. If the court determines there is a reasonable basis for a
9 competency evaluation or if the district attorney and the child's
10 attorney agree to the evaluation, the court shall order a competency
11 evaluation. If the court orders a competency evaluation, the court
12 shall order that the competency evaluation be conducted in the
13 least-restrictive environment, taking into account the public safety
14 and the best interests of the child.

15 1. The court shall provide in its order that the evaluator
16 shall have access to all relevant confidential and public records
17 related to the child, including competency evaluations and reports
18 conducted in prior delinquent or youthful offender proceedings. The
19 court shall provide to the evaluator a copy of the delinquency
20 petition or youthful offender information and the names and contact
21 information for the judge, district attorney, child's attorney, and
22 parents or legal guardians.

23 2. Within five (5) judicial days after the court orders an
24 evaluation, the district attorney shall deliver to the evaluator

1 copies of relevant police reports and other background information
2 relevant to the child that are in the district attorney's
3 possession.

4 3. Within five (5) judicial days after the court orders an
5 evaluation, the child's attorney shall deliver to the evaluator
6 copies of relevant police reports and other relevant records
7 including, but not limited to, educational, medical, psychological,
8 and neurological records that are relevant to the evaluation and
9 that are in the attorney's possession.

10 SECTION 4. AMENDATORY Section 7, Chapter 398, O.S.L.
11 2015 (10A O.S. Supp. 2019, Section 2-2-401.7), is amended to read as
12 follows:

13 Section 2-2-401.7 A. After a hearing pursuant to Section ~~6~~ 2-
14 2-401.6 of this ~~act~~ title, if the court determines by a
15 preponderance of the evidence that the child is competent to
16 proceed, the delinquency or youthful offender proceedings shall be
17 resumed as provided by law.

18 B. After a hearing pursuant to Section ~~6~~ 2-2-401.6 of this ~~act~~
19 title, if the court determines by the preponderance of the evidence
20 that the child is incompetent to proceed and cannot attain
21 competency within the period of time application under subparagraph
22 a of paragraph 3 of subsection C of this section, the court shall
23 dismiss the petition or information without prejudice, and take
24 either of the following actions:

1 1. Refer the matter to the Oklahoma Department of Human
2 Services and request a determination whether a deprived action
3 should be filed in accordance with the Oklahoma Children's Code
4 alleging that the child is a neglected, abused or dependent child;
5 or

6 2. Refer the matter to the district attorney for consideration
7 of initiating a Child in Need of Supervision or Minor in Need of
8 Mental Health and Substance Abuse Treatment proceeding in accordance
9 with the Oklahoma Juvenile Code or Inpatient Mental Health and
10 Substance Abuse Treatment of Minors Act.

11 C. If the court determines by a preponderance of the evidence
12 that a child is incompetent to proceed but may likely attain
13 competency, the court shall stay the proceedings and order the child
14 to receive services designated to assist the child in attaining
15 competency, based upon the recommendations in the competency
16 evaluation report unless the court makes specific findings that the
17 recommended services are not justified. The court shall order the
18 child's parent or legal guardian to contact a court-designated
19 provider by a specified date to arrange for services.

20 1. The competency attainment services provided to a child shall
21 be based on a court-approved competency attainment plan described in
22 paragraph 2 of subsection D of this section, and are subject to the
23 conditions and time periods required pursuant to this section
24 measured from the date the court approves the plan.

1 2. The court shall order that the competency attainment
2 services ordered are provided in the least-restrictive environment,
3 taking into account the public safety and the best interests of the
4 child. If the child has been released on temporary orders and
5 refuses or fails to cooperate with the service provider, the court
6 may modify the orders to require a more appropriate setting.

7 3. No child shall be required to participate in competency
8 attainment services for longer than is required to attain
9 competency. The following maximum periods of participation shall
10 apply:

11 a. if the services are provided, the child shall not
12 participate in those services for a period exceeding
13 six (6) months or upon the child's 18th birthday, or
14 up to the child's 19th birthday if ordered by the
15 court in order to complete the six (6) months of
16 treatment, if the child is charged with an act that
17 would be a misdemeanor if committed by an adult,

18 b. if the services are provided, the child shall not
19 participate for a period exceeding twelve (12) months
20 or upon the child's 18th birthday, or up to the
21 child's 19th birthday if ordered by the court in order
22 to complete the twelve (12) months of treatment, if
23 the child is charged as a delinquent or youthful

24

1 offender for an act that would be a felony if
2 committed by an adult.

3 D. 1. Within ten (10) judicial days after the court orders the
4 provider responsible for the child's competency attainment services,
5 the court shall deliver to that provider:

- 6 a. the name and address of the child's counsel,
- 7 b. a copy of the child's Petition or Information,
- 8 c. a copy of the competency evaluation report,
- 9 d. the name, address, and phone number of the child's
10 parents or legal guardian,
- 11 e. the name of the Office of Juvenile Affairs employee or
12 Juvenile Bureau employee responsible for the intake,
13 supervision, or custody of the child, if adjudicated,
- 14 f. the name of the Department of Human Services
15 caseworker, if any, and
- 16 g. any other relevant documents or reports concerning the
17 child's health that have come to the attention of the
18 court.

19 2. Not later than ten (10) judicial days after the child
20 contacts the competency attainment provider, a plan for the child to
21 attain competency shall be submitted to the court by the provider.
22 The court shall provide copies of the plan to the district attorney,
23 the child's attorney, the guardian ad litem, if any, the Office of
24

1 Juvenile Affairs or Juvenile Bureau, and the child's parent or legal
2 guardian.

3 E. The provider shall submit reports to the court pursuant to
4 the following schedule:

5 1. Every ninety (90) calendar days and upon completion or the
6 termination of services. Each report shall include the following:

7 a. the services provided to the child, including
8 medication, education and counseling,

9 b. the likelihood that the competency of the child to
10 proceed will be restored within the applicable period
11 of time set forth in subparagraph a of paragraph 3 of
12 subsection C of this section, and

13 c. the progress made towards the goals and objectives for
14 the restoration of competency identified in the
15 recommendations from the competency evaluation as
16 adopted by the court;

17 2. Three (3) judicial days after the provider's determination
18 that the child is not cooperating to a degree that would allow the
19 services to be effective to help the child attain competency;

20 3. Three (3) judicial days after the provider's determination
21 that the current setting is no longer the least_restrictive setting
22 that is consistent with the child's ability to attain competency and
23 taking into account the public safety and the best interests of the
24 child. The provider shall include in the report an assessment of

1 the danger the child poses to himself, herself or others and an
2 assessment of the appropriateness of the placement;

3 4. Three (3) judicial days after the provider's determination
4 that the child has achieved the goals of the plan and would be able
5 to understand the nature and objectives of the proceedings against
6 the child, to assist in the child's defense, and to understand and
7 appreciate the consequences that may be imposed or result from the
8 proceedings with or without reasonable accommodations. The report
9 shall include recommendations for the accommodations that would be
10 necessary or advantageous; and

11 5. Three (3) judicial days after the provider's determination
12 that the child will not achieve the goals of the plan within the
13 applicable period of time pursuant to subparagraph a of paragraph 3
14 of subsection C of this section. The report shall include
15 recommendations for services for the child and taking into account
16 the public safety and the best interests of the child.

17 F. The court shall provide copies of any report made by the
18 provider to the district attorney, the child's attorney, the child's
19 intake worker, and the child's guardian ad litem, if any. The Court
20 shall provide copies of any reports made by the provider to the
21 child's parents or legal guardians, unless the court finds that
22 doing so is not in the best interest of the child.

23
24

1 G. Within fifteen (15) judicial days after receiving a
2 provider's report, the court may hold a hearing to determine if a
3 new order is necessary.

4 1. If the court determines that the child is not making
5 progress toward competency or is so uncooperative that attainment
6 services cannot be effective, the court may order a change in
7 setting or services that would help the child attain competency
8 within the relevant period of time as set forth in subparagraph a of
9 paragraph 3 of subsection C of this section.

10 2. If the court determines that the child has not or will not
11 attain competency within the relevant period of time as set forth in
12 subparagraph a of paragraph 3 of subsection C of this section, the
13 court shall dismiss the delinquency or youthful offender charge
14 without prejudice.

15 3. A dismissal under paragraph 2 of this subsection shall not
16 preclude a future delinquent child or youthful offender proceeding
17 as provided for under ~~Title 10A of the Oklahoma Statutes~~ this title.

18 H. After a hearing held pursuant to subsection G of this
19 section, if the court determines that the child has attained
20 competency, the court shall proceed with the ~~delinquent child's~~
21 delinquency or youthful offender proceeding in accordance with the
22 provisions of the Juvenile Code.

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I. A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the petition or information.

SECTION 5. This act shall become effective November 1, 2020.

57-2-9468 JW 12/30/19

APPENDIX F

OKLAHOMA ASSOCIATION OF YOUTH SERVICES ORGANIZATION

The **MEMBERSHIP** meets quarterly to conduct association business and ratify the decisions made by the board of directors.

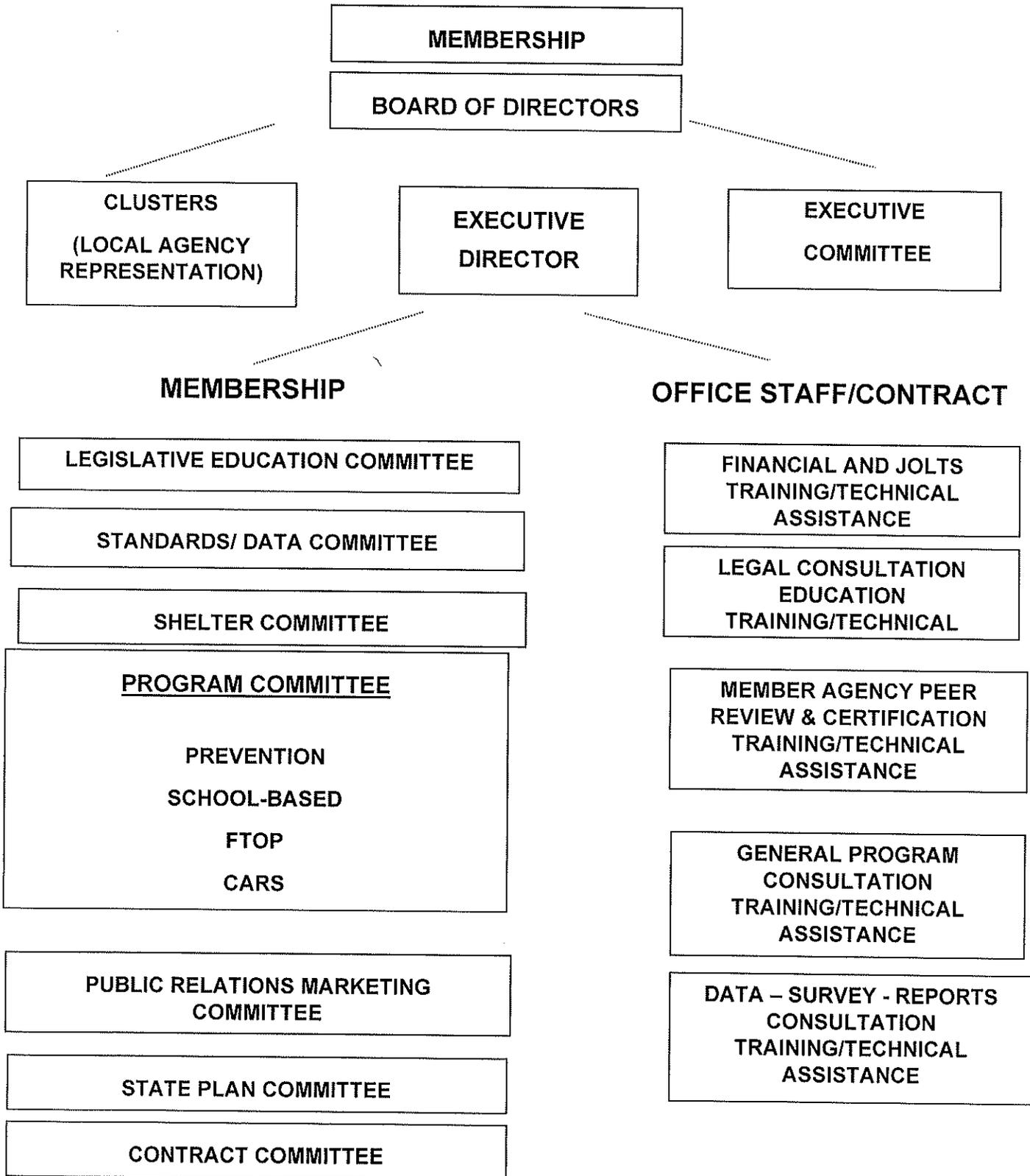
The **BOARD OF DIRECTORS** meets monthly to conduct association business and is selected by the membership and consist of the following:

PRESIDENT
VICE PRESIDENT
PAST PRESIDENT
SECRETARY
TREASURER
SE CLUSTER REPRESENTATIVE
NE CLUSTER REPRESENTATIVE
CENTRAL CLUSTER REPRESENTATIVE
SW CLUSTER REPRESENTATIVE
NW CLUSTER REPRESENTATIVE

The **EXECUTIVE COMMITTEE** may conduct association business when a quorum is not available all decisions are ratified by the full board.

PRESIDENT, CHAIR
VICE PRESIDENT
PAST PRESIDENT
SECRETARY
TREASURER

ASSOCIATION ORGANIZATIONAL CHART



OVER VIEW OF THE FY 2020 STATE PLAN PROCESS FOR COMMUNITY-BASED YOUTH SERVICES



Acknowledgements

The Office of Juvenile Affairs in partnership with the membership of the Oklahoma Association of Youth Services is responsible for facilitating efforts relating to the planning and delivery of prevention, early intervention, and treatment services for youth statewide. Both entities acknowledge and appreciate the expertise and feedback provided in the development of this plan by a collaborative group of stakeholders from the Oklahoma Department of Human Services (DHS), the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the Oklahoma Commission on Children and Youth, and the Oklahoma Institute for Child Advocacy.

HISTORY

- ▶ **As a result of the National Council of Crime and Delinquency's study and recommendations, a national emphasis on delinquency by President Johnson's Blue-Ribbon Committee and the availability of federal grant money, many changes were made in Oklahoma's approach to juvenile problems. In 1969 the Juvenile Code (Title X) was re-codified to bring all laws related to children into one statute. The first Youth Service Agencies were funded by the Oklahoma Crime Commission and local matching funds in late 1969 and early 1970. The Community-based Youth Services Model Program was recommended by the Office of Youth Development and Delinquency Prevention and endorsed by the Juvenile Delinquency Subcommittee of the Oklahoma Crime Commission.**

Mission and Purpose of Community-Based Youth Services

MISSION

The mission of the Oklahoma Association of Youth Services is to strengthen member agencies as they strive to improve the overall health and well-being of Oklahoma children and families through advocacy, training and technical assistance.

PURPOSE

The State Plan for Youth Services Agencies is systemic in nature, provides informative data and establishes the framework for the statewide delivery of comprehensive services for at-risk children, youth, families and their significant others in order to prevent and intervene in real life issues that may contribute to involvement by the child or youth in the juvenile justice or child welfare systems.

VALUES

Prevention – Youth Services Agencies believe that the early development of personal strengths, healthy relationships, personal health and wellness, and resilience prevent youth from developing anti-social and delinquent behaviors.

Community-Based Services – Whether prevention, intervention, treatment, or out of home care or transitional services are provided, Youth Services Agencies believe that youth are best served in the least restrictive environment, in their home community, and with the cooperation and support of family.

Diversity – Youth Services Agencies celebrate diversity and provide services in response to the unique needs of youth based on age, culture, ethnicity, gender, sexual orientation, history of trauma, education, and/or geography.

VALUES Continued

Research-based and Data Driven – Youth Services Agencies are guided by research and data leading to the use of evidence-based practices, programs, and curriculums.

Partnership – Through local and state partnerships Youth Services Agencies ensure the availability and accessibility of community-based youth services in all 77 counties and advocate for programs, policies, and funding that assist youth with reducing risk, educational advancement, career and vocational readiness, the development of healthy relationships, and improved personal health and wellness.

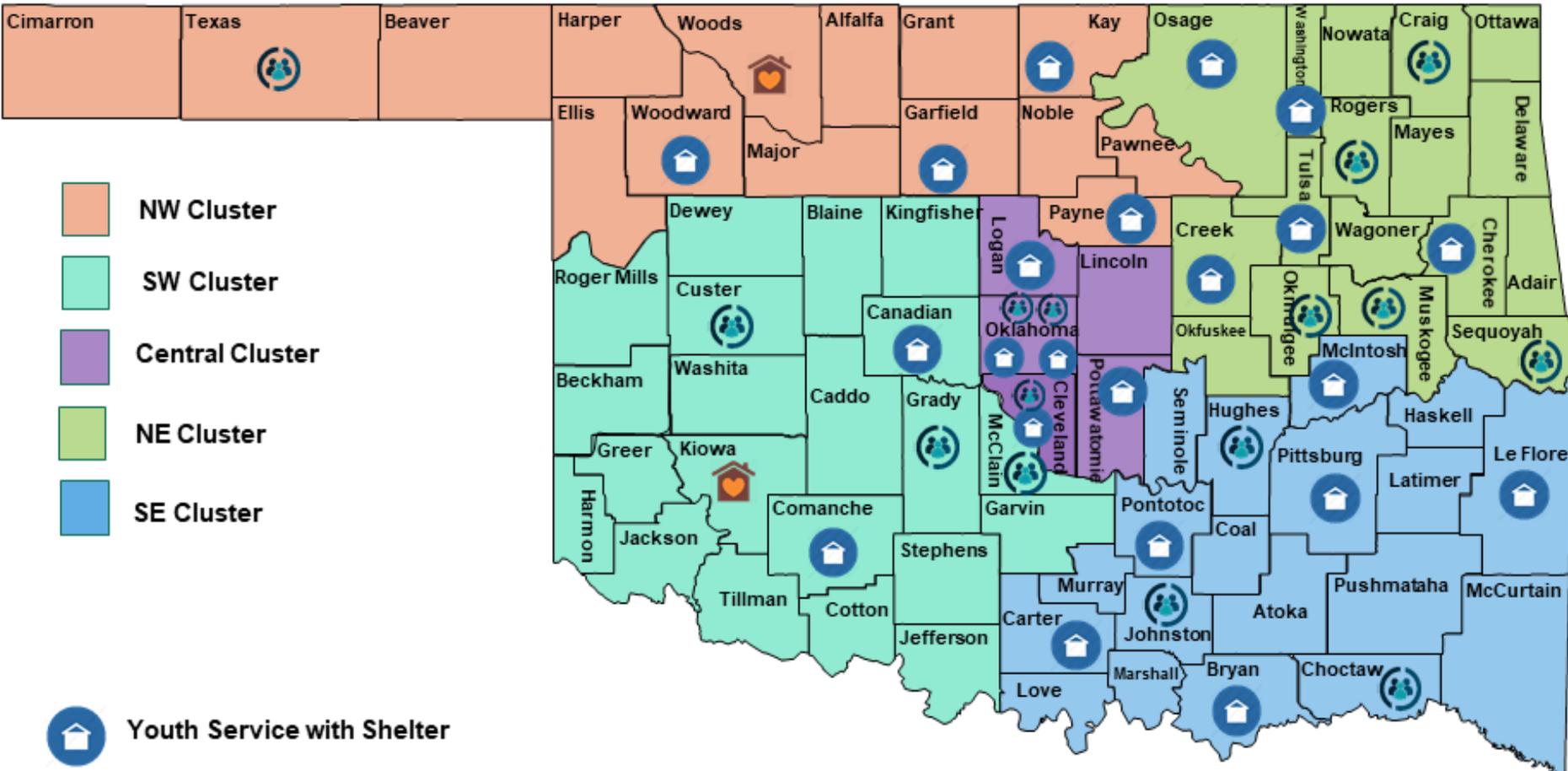
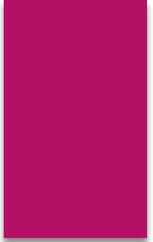
Program Emphasis

- **Core Four – Program Emphasis**
 - 1) Educational advancement.
 - 2) Career and vocational readiness.
 - 3) Development of healthy relationships.
 - 4) Improved personal health and wellness.

APPENDIX F

HOW OAYS IS ORGANIZED TO PROVIDE TRAINING, TECHNICAL ASSISTANCE, SUPPORT TO MEMBER AGENCIES AND OTHER STAKEHOLDERS

Youth Services of Oklahoma By Cluster



-  NW Cluster
-  SW Cluster
-  Central Cluster
-  NE Cluster
-  SE Cluster

-  Youth Service with Shelter
-  Youth Service with Host Homes
-  Youth Service Only

Office of Juvenile Affairs
Oklahoma Youth Academy
Charter School
Board of Director's Meeting

Finance Report

► February 11, 2020





FY-2020 Operation/Capital Budget Projections

As of January 31, 2020

\$117,070,732

FY-2020 Budget Work Program

\$30,092,025

Balance as of 01/31/2020

\$390,946

Less: Restricted Funds

\$51,054,423

Year-To-Date Expenditures

\$105,286

Less: Remaining Travel Budget

\$3,200,000

Less: Pending Encumbrances

\$35,924,284

Encumbrances

\$23,654,851

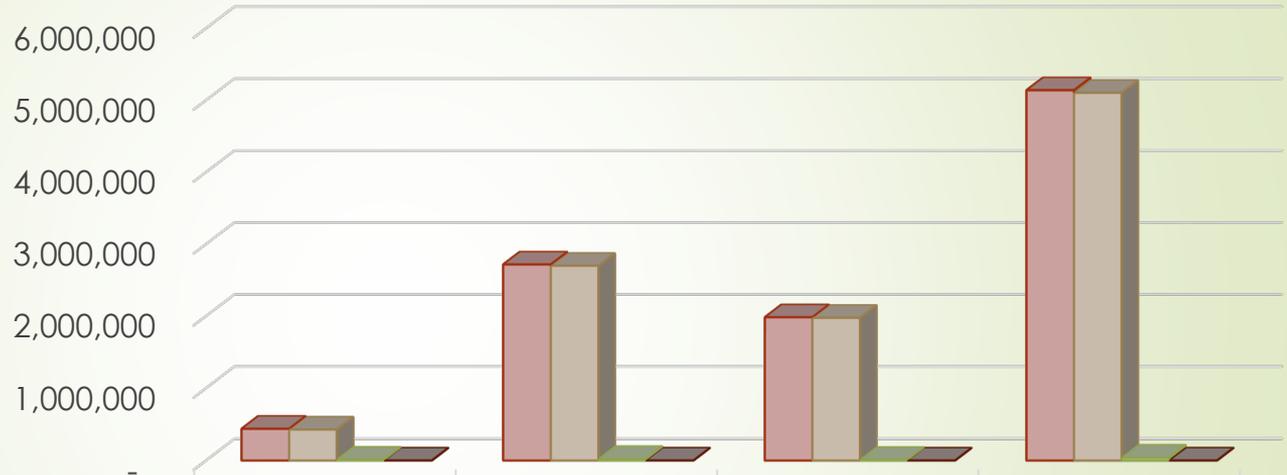
Less: Remaining Payroll Budget

\$2,740,942

Available Balance as of 01/31/2020

FY2020 Payroll Costs

As of January 31, 2020



	Administrati on	Residential	Non-Residential	Total
YTD Budget	438,622	2,717,755	1,983,667	5,140,044
YTD Expenditures	428,369	2,699,198	1,975,945	5,103,512
YTD Actual to Budget Variance	10,253	18,557	7,722	36,532
% Variance	2.3%	0.7%	0.4%	0.7%

General Revolving Fund Revenue

4

Revenue Source	FY-20 Budget	Budget to Date	Receipts	In-Transit	Over (Under) Budget
SSI and SSA	\$ 80,423	\$ 46,913.42	\$ 74,228	\$ -	\$ 27,315
Income from Rent	9,576	5,586	8,489	-	2,903
Charter School State Aid/Grants	962,540	561,482	684,513	-	123,032
School Breakfast/Lunch/Snacks Program	248,460	144,935	95,791	17,272	(31,872)
Refunds & Reimbursements	401,007	233,921	223,764	-	(10,157)
Sales	19,800	11,550	6,071	-	(5,479)
Child Support	130,000	75,833	103,082	-	27,249
Other Receipts	12,050	7,029	74,060	-	67,031
Total Revolving Funds	\$ 1,863,856	\$ 1,087,249	\$ 1,269,999	\$ 17,272	\$ 200,021

General Revolving Fund Revenue

FFP Revolving Fund	Projected Annual Revenue	Projected YTD Revenue	Actual Revenue	In-Transit	Variance
Residential Behavior Management Services (RBMS)	\$ 4,000,000	\$ 2,333,333	\$ 3,458,032	\$ -	\$ 1,124,699
Targeted Case Management (TCM)	2,000,000	1,166,667	1,359,318	-	192,651
IV-E Shelter	54,709	31,914	26,072	-	(5,841)
Indirect Cost Reimbursement (OHCA)	150,000	87,500	-	-	(87,500)
Grants (Formula)	593,000	345,917	234,065	-	(111,851)
OSDH-Youth Pregnancy & Parenting	224,000	130,667	101,734	33,572	4,640
DAC-RSAT	144,168	84,098	56,871	2,989	(24,238)
Total	\$ 7,165,877	\$ 4,180,095	\$ 5,236,093	\$ 36,561	\$ 1,092,559

700 Fund Accounts

As of: January 31, 2020

Trust Fund

Established to account for all the funds a juvenile received or expended while in OJA custody.

**Cash Balance as of 01/31/2020 was \$16,146

Canteen Fund

Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2020 was \$9,505

Donation Fund

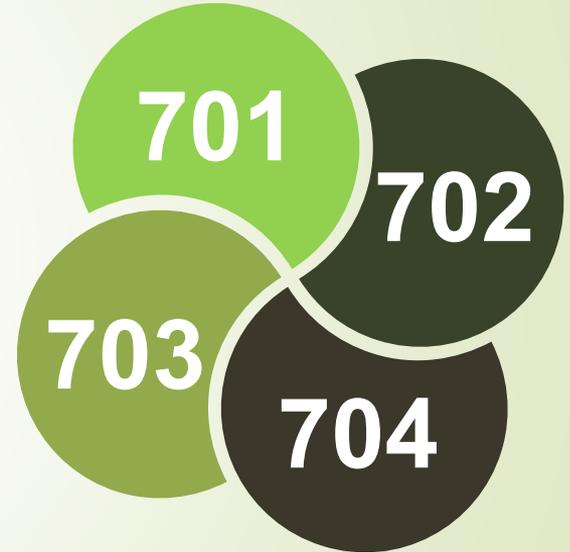
Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2020 was \$1,311

Victim Restitution Fund

Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2020 was \$31,646





Emergency Purchases

There are no Emergency Purchases.





Sole Source Purchases

As of: January 31, 2020



SS#	Date	Vendor	Description	Amount
SS20-08	1/13/2020	Various	Man-Up Program – Adult Mentors	\$16,400

Office of Juvenile Affairs
Oklahoma Youth Academy
Charter School
Board of Director's Meeting

January 14, 2020





State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School

Meeting Minutes

January 14, 2020

Board Members Present

Sean Burrage
Sidney Ellington
Amy Emerson
Stephen Grissom
Mautra Jones (arrived at 9:02 a.m.)
Timothy Tardibono
Karen Youngblood
Jenna Worthen

Absent

Janet Foss

Guests

Brandy Krohn, Representative John Talley, Tyler Talley, and Darla Slipke

Present from the Office of Juvenile Affairs

Janelle Bretten, Laura Broyles, Steven Buck, Paula Christiansen, Kevin Clagg, Melissa Deralchshon, Donna Glandon, Rachel Holt, Michael McNutt, Carol Miller, Len Morris, Nicole Prieto Johns, Audrey Rockwell, Paul Shawler, Matt Stangl, Shelley Waller, and Melissa White

Call to Order

Vice Chair Youngblood called the January 14, 2020, meeting of the Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School to order at 9:01 a.m. and requested roll be called.

Public Comment

No public comments.

Presentation on Youth Services for Choctaw, Pushmataha, and McCurtain Counties

Ms. Brandy Krohn, Director of Youth Services for Choctaw, Pushmataha, and McCurtain counties presented the attached.

Mr. Tardibono: What do you find with regards to a common thread with truancy?

Ms. Krohn: Elementary it is parenting. Junior high and high school it is rebellion to the idea of parenting. We have found in this area that mentoring and tutoring help with the junior high and

high school. They respond to the consistency of an adult figure in their life. I am not sure how to track the success stories or give data.

Dr. Emerson: Thank you for your presentation. You have shown that how a resource in the community is effective and I wish that more could see your presentation and how effective this resource is for the local community.

Ms. Krohn: Thank you. We have a lot of talent in our area. Our team works hard to break the generational cycles in our communities.

Dr. Ellington: You talk about Push county and the truancy issue. How is the school resource officer able to make that big of a difference? He covers their discipline but I do not know his success and how he gets there. His coverage area are the Clayton, Moyers, Antlers and one more school district I cannot remember. I do not know what resources he is using and his success. Our agency only assists him with filing legal documents. The 2 referrals we received came from Clayton school district because they felt the children needed specific resources from our agency.

Dr. Grissom: I have a comment regarding your statement regarding data. You have us several stories about lives changed. That is data. It matches your work. You work through engagement and that is your outcome a change in that life. Qualitative data rather than quantitative data.

Ms. Krohn: I appreciate that. I believe in cross training. There isn't a staff member on my staff that cannot step into another role. I am the agency administration. I, also step in to provide services as needed.

Mr. Tardibono: You mentioned TSET funded the Glo-Run. Do they provide other funding for other programs? Yes, they are not a direct funding however, they will help fund or provide funding for health based programs or events.

Director's Report

Director Buck ran through his report.

Election of the 2020 Board of Juvenile Affairs Chair

Dr. Grissom nominated Ms. Karen Youngblood with a second by Mr. Tardibono and Ms. Jones. No other nominations received.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Ms. Karen Youngblood elected the 2020 Board of Juvenile Affairs Chair.

Election of the 2020 Board of Juvenile Affairs Vice Chair

Mr. Tardibono nominated Mr. Sean Burrage with a second by Dr. Grissom and Ms. Jones. No other nominations received.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood
Absent: Foss

Mr. Sean elected the 2020 Board of Juvenile Affairs Vice Chair.

Discussion and/or possible vote to approve a Chairman for the Rates and Standards Committee

Ms. Worthen nominated Chair Karen Youngblood to serve as Chair for the Rates and Standards Committee with a second by Ms. Jones.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood
Absent: Foss

Chair Karen Youngblood elected chairman for the Rates and Standards Committee.

Approval of Minutes for the December 18, 2019, Board Meeting

Dr. Emerson moved to approve with a second by Mr. Burrage.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, and Youngblood
Abstain: Worthen
Absent: Foss

December 18, 2019, board minutes approved.

Update on the Next Generation Campus Project

Video presented to the Board.

Mr. Clagg presented on all the change orders.

Mr. Tardibono: With regards to the new meter box for the fire system, why is the city making this a requirement?

Mr. Clagg: I am not sure the current box can handle the new system.

Mr. Tardibono: Due to the new build we are losing the grandfather and being required to come into compliance, correct?

Mr. Clagg: Correct.

Mr. Tardibono: With regards to the new access road, at one point you thought the original bid, why did we not include it?

Mr. Clagg: We felt at the time there were too many unknowns. We wanted to continue looking at our options until we could complete the unknowns and negotiate the price down.

Mr. Tardibono: I know we have a variance included in the project, are we still ok?

Mr. Clagg: Yes, the first change order was a deduction and we have had another deduction, so we are just under \$600,000 net change orders.

Chair Youngblood: With regards to the reconfiguration on the drains, why did we not catch this issue during the design phase?

Mr. Clagg: The issues with the kids climbing on the roof become more common since the design phase. We used the McClaren design from Oregon, and this is on their buildings. With the recent issues we relooked at the issue and decided to make the change.

Chair Youngblood: Thank you that is an acceptable answer.

Dr. Grissom: I missed it.

Director Buck: I just want to remind the Board that occasionally we may use cash on hand to pay for issues as needed.

Discussion and/or possible vote to approve change order NGF-007 to Flintco contract - Fire Line Changes to meet City of Tecumseh Requirements for upgrade of meter and box for Fire Suppression System, FCO#4 – \$53,576 increase

Ms. Jones moved to approve with a second by Dr. Grissom.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood
Absent: Foss

Change order NGF-007 to Flintco contract - Fire Line Changes to meet City of Tecumseh Requirements for upgrade of meter and box for Fire Suppression System, FCO#4 – \$53,576 increase approved.

Discussion and/or possible vote to approve change order NGF-008 to Flintco contract - Reconfigure Roof Drains for added security – eliminate climbing hazard, FCO#6 - \$89,065 increase

Dr. Grissom moved to approve with a second by Ms. Jones.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood
Absent: Foss

Change order NGF-008 to Flintco contract - Reconfigure Roof Drains for added security – eliminate climbing hazard, FCO#6 - \$89,065 increase approved.

Discussion and/or possible vote to approve change order NGF-009 to Flintco contract - Construction of North Parking Lot, FCO#7 – \$29,957 increase

Ms. Jones moved to approve with a second by Dr. Grissom

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Change order NGF-009 to Flintco contract - Construction of North Parking Lot, FCO#7 – \$29,957 increase approved.

Discussion and/or possible vote to approve change order NGF-010 to Flintco contract - Build West Access Road , FCO#8 (alternate #4 from original bid) - \$336,511 increase

Dr. Grissom moved to approve with a second by Ms. Jones.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Change order NGF-010 to Flintco contract - Build West Access Road , FCO#8 (alternate #4 from original bid) - \$336,511 increase approved.

Presentation on the 2020 OJA Legislative Agenda

Ms. Rachel Holt presented on the 2020 OJA legislative agenda.

Ms. Worthen: I just wanted to pass on the comments about your budget hearing. You were the best prepared and nobody did it better.

Director Buck: At the February board meeting you will have the opportunity to endorse the OJA legislative agenda. Rachel has an extraordinary role, she does her day-to-day work and then during session she takes on the role of legislative liaison as well.

Discussion and/or possible vote to approve the year-to-date OJA Finance Report

Mr. Burrage moved to approve with a second by Mr. Tardibono.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Ayes: Burrage, Caldwell, Emerson, Foss, Grissom, Jones, Tardibono, and Youngblood

Absent: Worthen

Year-to-date OJA Finance Report approved.

Discussion and/or possible vote to approve 2019-2020 year-to-date Oklahoma Youth Academy Charter School Finance Report

Ms. Jones moved to approve with a second by Mr. Burrage.

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

2018-2019 year-to-date Oklahoma Youth Academy Charter School (OYACS) Finance Report approved.

Discussion and/or possible vote to approve modifications to the FY2020 encumbrances for the Oklahoma Youth Academy Charter School

Ms. Jones moved to approve with a second by Mr. Burrage

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Modifications to the FY2020 encumbrance for OYACS approved.

Discussion and/or possible vote to approve amendments to the 2020 – 2021 Oklahoma Youth Academy Charter School Calendar for COJC

Dr. Emerson moved to approve with a second by Mr. Burrage

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

The 2020-2021 OYACS calendar for COJC approved.

Mr. Tardibono: Can you clarify the blue days.

Ms. White: Blue days are ACA required training days so that staff can be behind the fence. There are 5 days of that training.

Discussion and/or possible vote to approve amendments to the 2020 – 2021 Oklahoma Youth Academy Charter School Calendar for SWOJC

Ms. Jones moved to approve with a second by Ms. Worthen

Ayes: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

The 2020-2021 OYACS calendar for SWOJC approved.

School Administration Report

Ms. White ran through her report, see attached.

Dr. Grissom: What categories on the IEP?

Ms. White: I do not have each specific categories. Most of them are IE.

Mr. Tardibono: What does that mean?

Ms. White: Different categories: Other Health Impaired, is a child with a diagnosis, does this diagnosis impact/impede their education? If yes, this is the category assigned. Specific Learning Disability, which is a discrepancy between IQ and achievement scores and these individuals qualify for services. Other categories can be Emotionally Disturb or Intellectually Disabled.

Mr. Tardibono: Can you provide us with a breakdown.

Ms. White: Yes.

Dr. Grissom: Why does DOC allow a child to dropout?

Ms. White: I shouldn't say that. The individual during their entry to DOC complete paperwork with the local school district and have the opportunity to continue education or sign a waiver to discontinue education.

Mr. Tardibono: Are the drop outs all over 18?

Ms. White: Not necessarily, those under the age of 18 we attempt to work with the youth and their local worker to get back into an education program. Our ICAP team is specifically working on this issue.

Mr. Tardibono: What is ICAP?

Ms. White: This is the team that presented on their ICAP plans we discussed that is their goals for completing school and moving into the future.

Mr. Tardibono: Do we know where these kids are?

Ms. White: Educated guess Tulsa and Oklahoma City area.

Mr. Tardibono: Can we use youth service agencies for this?

Ms. White: We do. Some of these kids may be on GED pathways but we have to count them as drop outs.

Mr. Tardibono: Are these kids a high risk of reengaging the system?

Ms. White: In my opinion yes but some of them are on a plan, usually a GED course and we have to count those as dropouts.

Dr. Grissom: Are any of these refused reentry to their local district/ school.

Ms. White: They cannot be denied an education but can be denied access to a classroom and set up on an online program.

Dr. Grissom: This is cross ways with the intent of the juvenile system.

Ms. White: I agree but currently it allows the local districts to determine risk.

Director Buck: I think this is an area we are going to have to work on as a board on what path we would like to take to move forward on this issue.

Chair Youngblood: I think this is something we need to start discussing through the committees.

Announcements/comments

Chair Youngblood thanked the Board for their confidence in her. She is looking forward to working with the Board and creating committees.

Dr. Grissom invited people invited others to go with him to visit COJC.

New business; as authorized by [25 O.S. § 311\(A\) \(9\)](#)

No new business.

Adjournment

Mr. Burrage moved to adjourn with a second by Dr. Emerson and Ms. Jones.

Aye: Burrage, Ellington, Emerson, Grissom, Jones, Tardibono, Worthen, and Youngblood

Absent: Foss

Chair Youngblood adjourned the meeting at 11:11 a.m.

Minutes approved in regular session on the 11th day of February, 2020.

Prepared by:

Signed by:

Audrey Rockwell, Secretary

Karen Youngblood, Chair

OFFICE OF JUVENILE AFFAIRS SUMMARY OF SERVICE RATES

<u>R&S #</u>	<u>PROGRAM</u>	<u>SERVICE DESCRIPTION</u>	<u>Approved Rate</u>
RS00-001-02a	CARS	Independent Living Rent	Up to \$300 per Mo.
RS00-001-03a	CARS	Independent Living Deposits	Up to \$500 One-Time
RS00-001-03b	CARS	Independent Living Utilities	Up to \$100 per Mo.
RS00-001-03c	CARS	Independent Living Groceries	Up to \$100 per Mo.
RS14-001-01a	CBYS	Life Skills-Universal - Session	\$69.00 per session
RS14-001-01b	CBYS	Universal Life Skills - Student	\$16.25 per student
RS14-001-02a	CBYS	Life Skills-Targeted - Session	\$77.00 per session
RS14-001-02b	CBYS	Targeted Life Skills per Student	\$31.10 per student
RS18-001b-02	CBYS	Maintaining the Community Satellite Office	\$1,667.00 per month
RS18-001b-03	CBYS	Shelter Youth Intake	\$30.00 per intake
RS18-001b-04	CBYS	Data Entry	5% of billing that requires entry
RS18-002-01	CBYS	Maintenance of Community-Based Shelter and CIC Centers (if minimum utilization rate is met)	\$20,000 per bed/annual
RS18-002-02a	CBYS	Shelter Tier 0 (Tier level is assigned based on assessment score)	\$22.63 per day
RS18-002-02b	CBYS	Shelter Tier 1	\$51.63 per day
RS18-002-02c	CBYS	Shelter Tier 2	\$80.63 per day
RS18-002-02d	CBYS	Shelter Tier 3	\$109.63 per day
RS18-002-02e	CBYS	Shelter Tier 4	\$138.63 per day
RS18-003-01	CBYS	Management of Host Home Program	\$4,437.50 per month
RS18-003-02	CBYS	Fixed Bed Rate for Host Home	\$39.60 per day
RS19-001b-01	CBYS	Maintaining the Community Office	\$6,667.00 per month
RS19-004-01	CBYS	Education Services Level B	\$17.25 per 15 min.
RS19-004-02	CBYS	Education Services Level A	\$16.60 per 15 min.
RS19-004-05	CBYS	Community-Based Prevention – All Levels	\$11.56 per 15 min.
RS19-004-08	CBYS	Case Management – Travel	\$17.20 per 15 min.
RS19-004-09	CBYS	Case Management – License – All Levels	\$17.19 per 15 min.
RS19-004-10	CBYS	Crisis Intervention Telephone Support - License	\$10.90 per 15 min.
RS19-004-11	CBYS	Crisis Intervention Telephone Support – Level B	\$8.72 per 15 min.
RS19-004-12	CBYS	Crisis Intervention Telephone Support – Level A	\$7.48 per 15 min.
RS19-004-13	CBYS	Crisis Intervention Counseling – License	\$15.57 per 15 min.
RS19-004-14	CBYS	Crisis Intervention Counseling – Level B	\$12.45 per 15 min.
RS19-004-15	CBYS	Crisis Intervention Counseling – Level A	\$10.68 per 15 min.
RS19-004b-01	CBYS	Independent living/Self-Sufficiency services	\$15.64 per 15 min.
RS19-004b-02	CBYS	Information and referral	\$6.57 per 15 min.
RS19-004b-03	CBYS	Clinical supervision or case staffing	\$8.23 per 15 min.
RS19-004b-04	CBYS	CARS Client Advocacy	\$15.63 per 15 min.
RS19-004b-05	CBYS	Mentoring	\$14.50 per 15 min.
RS19-004b-06	CBYS	Community Education - High	\$20.00 per 15 min.
RS19-004b-07	CBYS	Community Education - Low	\$14.02 per 15 min.
RS19-004b-09	CBYS	Reimbursement for purchase of unique equipment	Cost + 10%
RS19-004b-10	CBYS	Community Home Based Travel using GSA rate	GSA Rate
RS19-004b-11	CBYS	Crisis Intervention Indirect - Hgih	\$20.00 per 15 min.

<u>R&S #</u>	<u>PROGRAM</u>	<u>SERVICE DESCRIPTION</u>	<u>Approved Rate</u>
RS19-004b-12	CBYS	Crisis Intervention Indirect - Low	\$14.02 per 15 min.
RS19-004b-14	CBYS	Training	Reimbursement up to 12,000/year
RS19-004b-15	CBYS	Community Development - Additional Staff	\$4 per staff for up to 4
RS19-004b-15	CBYS	Community Education - Additional Staff	\$4 per staff for up to 4
RS19-004b-16	CBYS	Community Development - High	\$20.00 per 15 min.
RS19-004b-17	CBYS	Community Development - Low	\$14.02 per 15 min.
RS19-004c-05	CBYS	Children's Emergency Resource Center community assistance	\$36.00 per stay
RS19-005-02a	CBYS	Truancy Intervention-BA	\$10.92 per 15 min.
RS19-005-02b	CBYS	Truancy Intervention-MA	\$11.56 per 15 min.
RS19-005-02c	CBYS	Truancy Intervention-LIC	\$14.56 per 15 min.
RS19-005-05a	CBYS	Independent Living/Re-entry Coordinator Program Services-BA	\$10.92 per 15 min.
RS19-005-05b	CBYS	Independent Living/Re-entry Coordinator Program Services-MA	\$11.56 per 15 min.
RS19-005-05c	CBYS	Independent Living/Re-entry Coordinator Program Services-LIC	\$14.56 per 15 min.
RS19-005-09a	CBYS	Parenting Intervention Program Services-BA	\$11.60 per 15 min.
RS19-005-09b	CBYS	Parenting Intervention Program Services-MA	\$12.60 per 15 min.
RS19-005-09c	CBYS	Parenting Intervention Program Services-LIC	\$14.60 per 15 min.
RS19-005-10a	CBYS	Community Accountability Board Program Services-High	\$20.00 per 15 min.
RS19-005-10b	CBYS	Community Accountability Board Program Services-Low	\$14.52 per 15 min.
RS19-005-10c	CBYS	Community Accountability Board Program Services-Additional Staff	\$4.00/15min (up to 5)
RS19-006-01a	CBYS	Counseling for Detention Youth-BA	\$19.15 per 15 min.
RS19-006-01b	CBYS	Counseling for Detention Youth-MA	\$21.15 per 15 min.
RS19-006-01c	CBYS	Counseling for Detention Youth-LIC	\$25.15 per 15 min.
RS19-006-02a	CBYS	Counseling for County Jail-BA	\$21.15 per 15 min.
RS19-006-02b	CBYS	Counseling for County Jail-MA	\$25.15 per 15 min.
RS19-006-02c	CBYS	Counseling for County Jail-LIC	\$28.15 per 15 min.
RS20-003-001	CBYS	Flex Emergency Shelter Beds	\$138.63/bed/day
RS00-005-01	CBYS/CARS	Community / Home Based -Services All Levels	\$17.20 per 15 min.
RS00-01-01a	CBYS/CARS	Group Counseling - Level A	\$ 6.47 per 15 min.
RS00-01-01b	CBYS/CARS	Group Counseling - Level B	\$ 7.55 per 15 min.
RS00-01-01c	CBYS/CARS	Group Counseling – License	\$ 9.44 per 15 min.
RS19-004-03	CBYS/CARS	Tutoring	\$12.50 per 15 min.
RS19-004-04	CBYS/CARS	Paraprofessional Services Individual – Paraprofessional	\$7.58 per 15 min.
RS19-004-06	CBYS/CARS	Group Rehabilitative Treatment – All Levels	\$4.92 per 15 min.
RS19-004-07	CBYS/CARS	Individual Rehabilitative Treatment – All Levels	\$17.20 per 15 min.
RS19-004-17	CBYS/CARS	Family Counseling - Level B	\$17.27 per 15 min.
RS19-004-18	CBYS/CARS	Family Counseling - Level A	\$14.81 per 15 min.
RS19-004-19	CBYS/CARS	Individual Counseling – License	\$20.76 per 15 min.
RS19-004-20	CBYS/CARS	Individual Counseling – Level B	\$16.61 per 15 min.
RS19-004-21	CBYS/CARS	Individual Counseling – Level A	\$14.23 per 15 min.
RS19-004-22	CBYS/CARS	Treatment Plan Review – License	\$95.47 per review
RS19-004-23	CBYS/CARS	Treatment Plan Review –Level B	\$76.38 per review
RS19-004-24	CBYS/CARS	Treatment Plan Review –Level A	\$65.46 per review
RS19-004-25	CBYS/CARS	Treatment Planning – License	\$145.28 per plan
RS19-004-26	CBYS/CARS	Treatment Planning – Level B	\$116.24 per plan

<u>R&S #</u>	<u>PROGRAM</u>	<u>SERVICE DESCRIPTION</u>	<u>Approved Rate</u>
RS19-004-27	CBYS/CARS	Treatment Planning – Level A	\$99.62 per plan
RS19-004-28	CBYS/CARS	Screening, Evaluation and Assessment – License	\$18.87 per 15 min.
RS19-004-29	CBYS/CARS	Screening, Evaluation and Assessment – Level B	\$15.09 per 15 min.
RS19-004-30	CBYS/CARS	Screening, Evaluation and Assessment – Level A	\$12.94 per 15 min.
RS19-004-16	CBYS/CARS	Family Counseling – License	\$21.58 per 15 min.
RS20-002-001	Detention	Detention Center Facility Size 6 – 7 beds	\$179.91 per youth/day
RS20-002-002	Detention	Detention Center Facility Size 6 – 7 beds - Tier 1	\$184.41 per youth/day
RS20-002-003	Detention	Detention Center Facility 8 – 9 beds	\$168.92 per youth/day
RS20-002-004	Detention	Detention Center Facility 8 – 9 beds - Tier 1	\$173.14 per youth/day
RS20-002-005	Detention	Detention Center Facility 10 – 11 beds	\$141.07 per youth/day
RS20-002-006	Detention	Detention Center Facility 10 – 11 beds - Tier 1	\$144.60 per youth/day
RS20-002-007	Detention	Detention Center Facility 12 – 13 beds	\$128.21 per youth/day
RS20-002-008	Detention	Detention Center Facility 12 – 13 beds - Tier 1	\$131.42 per youth/day
RS20-002-009	Detention	Detention Center Facility 14 – 17 beds	\$122.41 per youth/day
RS20-002-010	Detention	Detention Center Facility 14 – 17 beds - Tier 1	\$125.47 per youth/day
RS20-002-011	Detention	Detention Center Facility 18 – 19 beds	\$120.95 per youth/day
RS20-002-012	Detention	Detention Center Facility 18 – 19 beds - Tier 1	\$123.97 per youth/day
RS20-002-013	Detention	Detention Center Facility 20 – 25 beds	\$119.83 per youth/day
RS20-002-014	Detention	Detention Center Facility 20 – 25 beds - Tier 1	\$122.83 per youth/day
RS20-002-015	Detention	Detention Center Facility 26 – 29 beds	\$116.36 per youth/day
RS20-002-016	Detention	Detention Center Facility 26 – 29 beds - Tier 1	\$119.27 per youth/day
RS20-002-017	Detention	Detention Center Facility 30 – 54 beds	\$110.89 per youth/day
RS20-002-018	Detention	Detention Center Facility 30 – 54 beds - Tier 1	\$113.66 per youth/day
RS20-002-019	Detention	Detention Center Facility 55 – 78 beds	\$108.63 per youth/day
RS20-002-020	Detention	Detention Center Facility 55 – 78 beds - Tier 1	\$111.35 per youth/day
RS20-002-021	Detention	Detention Center Facility 79+ beds	\$97.39 per youth/day
RS20-002-022	Detention	Detention Center Facility 79+ beds - Tier 1	\$99.82 per youth/day
RS00-007-02	Foster Care	Foster Care	\$22.62 per youth/day
RS19-001-01a	Group Home	Tier 1 (for description of Tiers 1 through 10 - See Attachment A)	\$1.50 per day/Youth
RS19-001-01b	Group Home	Tier 2	\$1.50 per day/Youth
RS19-001-01c	Group Home	Tier 3	\$2.00 per day/Youth
RS19-001-01d	Group Home	Tier 4	\$2.50 per day/youth
RS19-001-01e	Group Home	Tier 5	\$0.50 per day/youth
RS19-001-01f	Group Home	Tier 6	\$0.75 per day/youth
RS19-001-01g	Group Home	Tier 7	\$1.00 per day/youth
RS19-001-01h	Group Home	Tier 8	\$1.00 per day/youth
RS19-001-01i	Group Home	Tier 9	\$1.25 per day/youth
RS19-001-01j	Group Home	Tier 10 (only one award per year)	\$25,000.00 award incentive
RS19-002-01	Group Home	Cost reimbursement of Vocational Education Services	Amt stated on PO
RS19-002-02	Group Home	Driver Education Services for OJA clients	\$300.00 per course
RS19-002-03a	Group Home	Travel as GSA rate for Driver Education Services Instructor	GSA rate
RS19-002-03b	Group Home	Driver Education Services Instructor	\$33.33 per hour up to 3HRS
RS19-005-01	Group Home	Specialized Resource Center/Grouphome Care	\$60.00 per bed
RS19-005-11	Group Home	On-line Driver's Education Course	\$110.00 per course

<u>R&S #</u>	<u>PROGRAM</u>	<u>SERVICE DESCRIPTION</u>	<u>Approved Rate</u>
RS-19-007-01	Group Home	Community Based Level E Group Home	\$192.31 per youth/day
RS19-02-004	Group Home	Driving Test for OJA clients	\$50.00 per test
RS-19SP-001-01	Group Home	Enhanced Services for (in addition to normal Level E rate)	\$125.13 per youth/day
RS-19-007-01	JRAP	Substance Abuse Assessment (T-Asi Required)	\$110.33 per Assessment
RS-19-007-02	JRAP	Substance Abuse Service Plan Development & Relapse Prevention Plan Development	\$142.08 per plan
RS-19-007-03	JRAP	Substance Abuse Service Plan /Relapse Prevention Plan Update, Review, Or Modification	\$82.28 per update,review or mod.
RS-19-007-04	JRAP	SUBSTANCE ABUSE INDIVIDUAL COUNSELING	\$20.57 per 15 min
RS20-001-06	JRAP	JRAP Substance Abuse Family Counseling with Patient Present	\$23.36 per event
RS20-001-07	JRAP	JRAP Substance Abuse Family Counseling without Patient Present	\$22.36 per event
RS20-001-08	JRAP	JRAP Individual or Group Rehabilitative Treatment	\$5.22 per 15 minutes per client
RS20-001-09	JRAP	JRAP Substance Treatment Team meeting, case staffing, or supervision - LADC	\$9.00/15 min
RS20-001-09a	JRAP	JRAP Substance Treatment Team meeting, case staffing, or supervision, - CADC	\$7.50/15 min
RS19-003-01	OAYS	Base Operations	\$6,667.00 per month
RS19-003-02a	OAYS	Technical Assistance and Training-Level 1	\$4.93 per 15 min.
RS19-003-02b	OAYS	Technical Assistance and Training-Level 2	\$7.40 per 15 min.
RS19-003-03	OAYS	Financial /Budget Training and Consultation	\$9.86 [per 15 min.
RS19-003-04	OAYS	JOLTS Training and Consultation	\$9.86 per 15 min.
RS19-003-05	OAYS	Executive Consultation and Technical Assistance	\$12.26 per 15 min.
RS19-003-06	OAYS	Travel	GSA Rate
RS19-003-07	OAYS	State Plan Annual Review/Evaluation	\$100.00 per hour w/max of 100
RS19-003-09	OAYS	OAYS Membership Needs Assessment	\$100.00 per hour w/max of 100
RS00-007-01	SCH	Specialized Community Home	\$38,000 per year
RS19-005-08	Shelter	Alternative To Detention Placement	\$20/Day in addition to Shelter Rate
RS19-006-03	System Wide	Program Innovation Implementation (OJA prior approval required)	Cost Reimb. Up to \$30,000

OYACS

Finance Report

January 14, 2020





Oklahoma Youth Academy Charter School
 Combined Statement of Revenues, Expenditures and Changes in
 Fund Balances
 School Year 2019-2020



<u>2019-2020</u>	OJA General and Revolving Funds	Fund 25000	Totals as of 01/31/2020	COJC (972)	SOJC (975)	Total
Revenues						
State Aid	\$ -	\$ 481,421.05	\$ 481,421.05	\$ 240,710.52	\$ 240,710.53	\$ 481,421.05
Title I N&D		167,312.06	167,312.06	83,656.03	83,656.03	167,312.06
IDEA-B		17,956.40	17,956.40	9,221.56	8,734.84	17,956.40
Title IVE LEA		15,000.00	15,000.00	7,500.00	7,500.00	15,000.00
Textbooks		2,823.78	2,823.78	1,411.88	1,411.90	2,823.78
Child Nutrition Program _Breakfast		35,846.32	35,846.32	15,910.10	19,936.22	35,846.32
Child Nutrition Program _Lunches and Snacks		59,944.92	59,944.92	26,630.53	33,314.39	59,944.92
Refunds		233.89	233.89	-	233.89	233.89
Office of Juvenile Affairs **	956,765.41		956,765.41	524,457.92	432,307.49	956,765.41
Total Revenues	\$ 956,765.41	\$ 780,538.42	\$ 1,737,303.83	\$ 909,498.54	\$ 827,805.29	\$ 1,737,303.83
Expenditures						
Payroll Expenses	\$ 798,523.83	\$ 692,011.89	\$ 1,490,535.72	\$ 793,768.23	\$ 696,767.49	\$ 1,490,535.72
Training and Travel	10,847.42	100.00	10,947.42	8,744.35	2,203.07	10,947.42
Operational Expenses	138,196.75	69,323.79	207,520.54	96,225.95	111,294.59	207,520.54
Equipment and Library Resources	9,197.41	-	9,197.41	4,897.42	4,299.99	9,197.41
Total Expenditures	\$ 956,765.41	\$ 761,435.68	\$ 1,718,201.09	\$ 903,635.95	\$ 814,565.14	\$ 1,718,201.09
Excess of revenues over (under) expenditures	\$ -	\$ 19,102.74	\$ 19,102.74	\$ 5,862.59	\$ 13,240.15	\$ 19,102.74
Fund Balances July 1, 2019	-	247,899.71	247,899.71	124,503.11	123,396.60	247,899.71
Fund Balances 2019-2020 School Year	\$ -	\$ 267,002.45	\$ 267,002.45	\$ 130,365.70	\$ 136,636.75	\$ 267,002.45
**OJA Funds						
Fund 19001	\$ 921,382.41					
Fund 19811	\$ 182.37					
Fund 19901	\$ 31,243.12					
Fund 19911	\$ 2,696.88					
Fund 20500	\$ 1,260.63					
	\$ 956,765.41					



Oklahoma Youth Academy Charter School
Encumbrances for Approval – School Year 2018-2019
School Year 2018-2019



Encumbrance#	Product Description	Quantity	Vendor	Justification	Campus			
					Unit Cost	COJC	SOJC	Total
2020-058	Computers 3-Year Lease	27	Dell	Computers are at or past end of life and no longer covered under maintenance and will not support Windows 10.	\$1,256/yr	17,584	16,328	33,912

Office of Juvenile Affairs
Oklahoma Youth Academy
Charter School
Board of Director's Meeting

January 14, 2020



1
2 By: Kannady of the House
3

4 An Act relating to youthful offenders;
5 and providing an effective date.
6

7
8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
9

10 **Section 2-5-201 - Short Title and Purpose**

11 Sections 2-5-201 through 2-5-213 of this title shall be known
12 and may be cited as the "Youthful Offender Act". The Youthful
13 Offender Act shall be implemented beginning January 1, 1998.

14 [Note: Language below is Moved from Section 2-5-202(B)]

15 It is the purpose of the Youthful Offender Act to better ensure
16 the public safety by holding youths accountable for the commission
17 of serious crimes, while affording courts methods of rehabilitation
18 for those youths the courts determine, at their discretion, may be
19 amenable to such methods. It is the further purpose of the Youthful
20 Offender Act to allow those youthful offenders whom the courts find
21 to be amenable to rehabilitation by the methods prescribed in the
22 Youthful Offender Act to be placed in the custody or under the
23 supervision of the Office of Juvenile Affairs for the purpose of
24 accessing the rehabilitative programs provided by that Office.

1 **Section 2-5-202 - Definitions - Purpose**

2 A. For the purposes of the Youthful Offender Act:

3 1. "Youthful offender" means a person:

4 a. thirteen (13) or fourteen (14) years of age who is charged
5 with murder in the first degree and adjudicated ~~certified~~ as a
6 youthful offender as provided by Section 2-5-205 of this title,

7 b. fifteen (15), sixteen (16), or seventeen (17) years of age
8 and charged with a crime listed in subsection A of Section 2-5-206
9 of this title, and

10 c. sixteen (16) or seventeen (17) years of age and charged with
11 a crime listed in subsection B of Section 2-5-206 of this title,
12 if the offense was committed on or after January 1, 1998;

13 2. "Sentenced as a youthful offender" means the imposition of a
14 court order making disposition of a youthful offender as provided by
15 Section 2-5-209 of this title which shall constitute an adult
16 criminal sentence if the youthful offender is transferred to the
17 custody or supervision of the Department of Corrections; and

18 3. "Next friend" means an individual or executive of an
19 organization who has assumed a parental role without formal legal
20 proceedings, but to all objective observers is readily identified as
21 custodian or guardian in fact.

22 ~~B. It is the purpose of the Youthful Offender Act to better ensure~~
23 ~~the public safety by holding youths accountable for the commission~~
24 ~~of serious crimes, while affording courts methods of rehabilitation~~

1 ~~for those youths the courts determine, at their discretion, may be~~
2 ~~amenable to such methods. It is the further purpose of the Youthful~~
3 ~~Offender Act to allow those youthful offenders whom the courts find~~
4 ~~to be amenable to rehabilitation by the methods prescribed in the~~
5 ~~Youthful Offender Act to be placed in the custody or under the~~
6 ~~supervision of the Office of Juvenile Affairs for the purpose of~~
7 ~~accessing the rehabilitative programs provided by that Office.~~

8 **Section 2-5-203 Other Violations - Trial as Adult or Youthful**
9 **Offender - Multiple Offenses - Concurrent Jurisdiction**

10 A. 1. A child who is charged with having violated any state
11 statute or municipal ordinance other than as provided in Sections 2-
12 5-205 and 2-5-206 of this title shall not be tried in a criminal
13 action as an adult or a youthful offender, but in a juvenile
14 proceeding, unless certified as an adult pursuant to Section 2-2-403
15 of this title.

16 2. However, when multiple offenses occur within the same course
17 of conduct within the same county and the person is prosecuted for
18 at least one offense as a youthful offender pursuant to Section 2-5-
19 205 or 2-5-206 of this title, then all the charges may be prosecuted
20 under the same action pursuant to the provisions of the Youthful
21 Offender Act, if so ordered by the court. The decision to join the
22 cases shall not be appealable as a final order. If the offense
23 listed in Section 2-5-205 or Section 2-5-206 of this title is
24

1 subsequently dismissed for any reason, then any remaining pending
2 charges shall be transferred to the juvenile court.

3 B. If, during the pendency of a criminal or quasi-criminal
4 charge against any person, it shall be ascertained that the person
5 was a child at the time of committing the alleged offense, the
6 district court or municipal court shall transfer the case, together
7 with all the papers, documents and testimony connected therewith, to
8 the juvenile division of the district court. The division making
9 such transfer shall order the child to be taken forthwith to the
10 place of detention designated by the juvenile division, to that
11 division itself, or release such child to the custody of some
12 suitable person to be brought before the juvenile division.

13 C. Nothing in this section shall be construed to prevent the
14 exercise of concurrent jurisdiction by another division of the
15 district court or by municipal courts in cases involving children
16 wherein the child is charged with the violation of a state or
17 municipal traffic law or ordinance.

18 D. In the event a person seventeen (17) years of age commits an
19 offense listed in Section 2-5-205 or Section 2-5-206 of this title
20 within ninety (90) days of said person's eighteenth (18th) birthday:

21 1. the person shall be charged as a youthful offender if
22 charges are filed before said person's eighteenth (18th) birthday;

23 2. the person shall be charged as an adult if charges are filed
24 after said person's eighteenth (18th) birthday and the crime was not

1 reported to law enforcement until after said person's eighteenth
2 (18th) birthday; or

3 3. the person shall be charged as an adult if the charges are
4 filed after said person's eighteenth (18th) birthday and the crime
5 was not solved under a probable cause standard by a reasonable law
6 enforcement investigation until after said person's eighteenth (18th)
7 birthday;

8 E. In the event a person aged fifteen (15), sixteen (16), or
9 seventeen (17) years of age who is charged with a crime listed in
10 Section 2-5-206 of this title willfully or purposefully avoids
11 arrest on said charge after reasonable attempts by law enforcement
12 to apprehend said person on his or her warrant shall be prosecuted
13 as an adult if apprehended after said person turns eighteen (18)
14 years of age.

15 **Section 2-5-204 - Certification as Adult or Youthful Offender - Some**
16 **Records Confidential, Sealed**

17 A. A child who is arrested for an offense pursuant to
18 subsection A or B of [Section 2-5-206](#) of this title, or who is
19 ~~certified~~ adjudicated as a youthful offender pursuant to [Section 2-](#)
20 [5-205](#) of this title, shall be charged by information in the same
21 manner as provided for adults.

22 B. If the child is not otherwise represented by counsel and
23 requests an attorney prior to or during interrogation, or whenever
24 charged by information, as provided in subsection A of this section,

1 the court shall appoint an attorney, who shall not be a district
2 attorney, for the child regardless of any attempted waiver by the
3 parent, legal guardian, or other legal custodian of the child of the
4 right of the child to be represented by counsel. Counsel shall be
5 appointed by the court only upon determination by the court that the
6 parent, legal guardian or legal custodian is found to be indigent.

7 C. When a person is certified to stand trial as an adult or
8 adjudicated as a youthful offender as provided by the Youthful
9 Offender Act, the accused person shall have all the statutory and
10 constitutional rights and protections of an adult accused of a
11 crime. All proceedings shall be as for a criminal action and the
12 provisions of Title 22 of the Oklahoma Statutes shall apply, except
13 as provided for in the Youthful Offender Act.

14 D. All youthful offender court records for a person who is
15 certified to stand trial as an adult or adjudicated as a youthful
16 offender shall be considered adult records and shall not be subject
17 to the provisions of Chapter 6 of the Oklahoma Juvenile Code;
18 provided, however, all reports, evaluations, motions, records,
19 exhibits or documents regarding the educational history, mental
20 health or medical treatment or condition of the offender that are
21 submitted to the court or admitted into evidence during the hearing
22 on the ~~motion for certification as a youthful offender to the~~
23 ~~juvenile system or~~ motion for imposition of an adult sentence shall
24 be confidential and shall be filed or admitted under seal, except

1 that such records shall be provided to the Office of Juvenile
2 Affairs. Any testimony regarding the reports, evaluations, motions,
3 records, exhibits or documents shall be given in camera and shall
4 not be open to the general public; provided, all persons having a
5 direct interest in the case as provided in paragraph 1 of subsection
6 A of [Section 2-2-402](#) of this title shall be allowed to be present
7 during the testimony but shall be admonished not to discuss the
8 testimony following the hearing. All reports, evaluations, motions,
9 records, exhibits or documents shall be released from under seal by
10 order of the court if the youthful offender is sentenced to the
11 custody or supervision of the Department of Corrections by the court
12 pursuant to paragraph 1 of subsection B of [Section 2-5-209](#) or
13 paragraph 5 of subsection B of [Section 2-5-210](#) of this title or if
14 the juvenile or youthful offender is later charged as an adult with
15 a felony crime.

16 E. Proceedings against a youthful offender shall be heard by
17 any judge of the district court. However, preference is for
18 proceedings to occur before a judge of the district court with
19 juvenile court experience and training.

20 F. Upon arrest and detention of a person subject to the
21 provisions of [Section 2-5-205](#) or [2-5-206](#) of this title, the person
22 has the same right to be released on bail as would an adult in the
23 same circumstances. The person, if under the age of eighteen (18)
24 years old shall be detained at a juvenile detention facility. ~~and,~~

1 ~~if detained, may be detained in a county jail if separated by sight~~
2 ~~and sound from the adult population as otherwise authorized by law.~~
3 ~~If no such county jail is available, then such person may be~~
4 ~~detained at a juvenile detention facility. The sheriff, chief of~~
5 ~~police, or juvenile or adult detention facility operator shall~~
6 ~~forthwith notify the Office of Juvenile Affairs of any such arrest~~
7 ~~and detention.~~

8 G. Upon certification for the imposition of an adult sentence,
9 a verdict of guilty or entry of a plea of guilty or nolo contendere
10 by a youthful offender who has been certified for the imposition of
11 an adult sentence as provided by [Section 2-5-208](#) of this title, the
12 person may be detained in a county jail under the age of eighteen
13 (18) years if the county jail is certified to hold juveniles and
14 provides for sight and sound separation from the adult population.
15 If the person is over the age of eighteen (18) they shall be
16 detained with the adult population. ~~as an adult and, if~~
17 ~~incarcerated, may be incarcerated with the adult population.~~

18 H. A child or youthful offender shall be tried as an adult in
19 all subsequent criminal prosecutions, and shall not be subject to
20 the jurisdiction of the juvenile court as a juvenile delinquent or
21 youthful offender processes in any further proceedings if:

22 1. The child or youthful offender has been certified to stand
23 trial as an adult pursuant to any certification procedure provided
24 by law and is subsequently convicted of the alleged offense or

1 against whom the imposition of judgment and sentence has been
2 deferred; or

3 2. The youthful offender has been certified for the imposition
4 of an adult sentence as provided by [Section 2-5-208](#) of this title
5 and is subsequently convicted of the alleged offense or against whom
6 the imposition of judgment and sentencing has been deferred.

7 I. Except as otherwise provided in the Youthful Offender Act, a
8 person who has been ~~certified~~ adjudicated as a youthful offender
9 shall be prosecuted as a youthful offender in all subsequent
10 criminal proceedings until the youthful offender has attained
11 eighteen (18) years of age.

12 All proceedings for the commission of a crime committed after a
13 youthful offender has reached eighteen (18) years of age shall be
14 adult proceedings.

15 **Section 2-5-205 - Youthful Offender Certification - Some Records**
16 **Confidential, Sealed**

17 A. Any person thirteen (13) or fourteen (14) years of age who
18 is charged with murder in the first degree may ~~shall~~ be held
19 accountable for the act as if the person were an adult; provided,
20 the person may be certified as a youthful offender or a juvenile as
21 provided by this section, unless the person is subject to the
22 provisions of subsection H of [Section 2-5-204](#) of this title.

23 B. Any person fifteen (15), sixteen (16) or seventeen (17)
24 years of age who is charged with murder in the first degree at that

1 time shall be held accountable for his or her act as if the person
2 was an adult and shall not be subject to the provisions of the
3 Youthful Offender Act or the provisions of the Juvenile Code for
4 certification as a juvenile. The person shall have all the statutory
5 rights and protections of an adult accused of a crime. All
6 proceedings shall be as for a criminal action and the provisions of
7 Title 22 of the Oklahoma Statutes shall apply. A person having been
8 convicted as an adult pursuant to this paragraph shall be tried as
9 an adult for every subsequent offense.

10 C. 1. Upon the filing of an adult criminal information against
11 such accused person, a warrant shall be issued which shall set forth
12 the rights of the accused person, and the rights of the parents,
13 guardian or next friend of the accused person to be present at the
14 preliminary hearing, and to have an attorney present. ~~and to make~~
15 ~~application for certification of such accused person as a youthful~~
16 ~~offender to the district court for the purpose of prosecution as a~~
17 ~~youthful offender.~~

18 2. The warrant shall be personally served together with a
19 certified copy of the information on the accused person and on a
20 custodial parent, guardian or next friend of the accused person. The
21 court may inquire of the accused as to the whereabouts of his or her
22 parents, guardian, or next friend in order to avoid unnecessary
23 delay in the proceedings.

24

1 3. When personal service of a custodial parent, guardian or
2 next friend of the accused person cannot be effected, service may be
3 made by certified mail to such person's last-known address,
4 requesting a return receipt from the addressee only. If delivery is
5 refused, notice may be given by mailing the warrant and a copy of
6 the information on the accused person by regular first-class mail to
7 the address where the person to be notified refused delivery of the
8 notice sent by certified mail. Where the address of a custodial
9 parent, guardian or next friend is not known, or if the mailed
10 warrant and copy of the information on the accused person is
11 returned for any reason other than refusal of the addressee to
12 accept delivery, after a thorough search of all reasonably available
13 sources to ascertain the whereabouts of a custodial parent, guardian
14 or next friend has been conducted, the court may order that notice
15 of the hearing be given by publication one time in a newspaper of
16 general circulation in the county. In addition, the court may order
17 other means of service of notice that the court deems advisable or
18 in the interests of justice.

19 4. Before service by publication is ordered, the court shall
20 conduct an inquiry to determine whether a thorough search has been
21 made of all reasonably available sources to ascertain the
22 whereabouts of any party for whom notice by publication is sought.

23 D. The accused person is presumed to be a youthful offender
24 and proceedings shall continue under that presumption unless the

1 state files a motion for imposition of an adult sentence pursuant to
2 section 2-5-208 of this title.

3 ~~1. The accused person shall file any motions for certification~~
4 ~~as a youthful offender or a juvenile before the start of the~~
5 ~~criminal preliminary hearing. If both a motion for certification as~~
6 ~~a youthful offender and a motion for certification as a juvenile are~~
7 ~~filed, they shall both be heard at the same time. No motion for~~
8 ~~certification as a youthful offender or certification as a juvenile~~
9 ~~may be filed after the time specified in this subsection. Upon the~~
10 ~~filing of such motion, the complete juvenile record of the accused~~
11 ~~shall be made available to the district attorney and the accused~~
12 ~~person. All reports, evaluations, motions, records, exhibits or~~
13 ~~documents regarding the educational history, mental health or~~
14 ~~medical treatment or condition of the offender that are submitted to~~
15 ~~the court or admitted into evidence during the hearing on the motion~~
16 ~~for certification as a youthful offender to the juvenile system or~~
17 ~~motion for imposition of an adult sentence are confidential and~~
18 ~~shall be filed or admitted under seal, except that such records~~
19 ~~shall be provided to the Office of Juvenile Affairs. Any testimony~~
20 ~~regarding the reports, evaluations, motions, records, exhibits or~~
21 ~~documents shall be given in camera and shall not be open to the~~
22 ~~general public; provided, all persons having a direct interest in~~
23 ~~the case as provided in paragraph 1 of subsection A of Section 2-2-~~
24 ~~402 of this title shall be allowed to be present during the~~

1 ~~testimony but shall be admonished not to discuss the testimony~~
2 ~~following the hearing. All reports, evaluations, motions, records,~~
3 ~~exhibits or documents shall be released from under seal by order of~~
4 ~~the court if the youthful offender is sentenced to the custody or~~
5 ~~supervision of the Department of Corrections by the court pursuant~~
6 ~~to either paragraph 1 of subsection B of [Section 2-5-209](#) or~~
7 ~~paragraph 5 of subsection B of [Section 2-5-210](#) of this title or if~~
8 ~~the juvenile or youthful offender is later charged as an adult with~~
9 ~~a felony crime.~~

10 ~~21.~~ The court shall commence a preliminary hearing within
11 ninety (90) days of the filing of the information, pursuant to
12 [Section 258](#) of Title 22 of the Oklahoma Statutes, to determine
13 whether the crime was committed and whether there is probable cause
14 to believe the accused person committed a crime. If the preliminary
15 hearing is not commenced within ninety (90) days of the date the
16 accused person is charged, the district court shall hold a hearing
17 to determine the reasons for delay utilizing the procedure set out
18 in [Section 812.2](#) of Title 22 of the Oklahoma Statutes, to ensure the
19 preliminary hearing is expedited. If the whereabouts of the accused
20 are unknown at the time of the filing of the information or if the
21 accused is a fugitive, the State of Oklahoma shall make reasonable
22 efforts to locate the accused in order to commence the proceedings.
23 An accused who flees the jurisdiction of the court or purposely
24 avoids apprehension for the charges, waives the right to have the

1 preliminary hearing commenced within ninety (90) days of the filing
2 of the information. An accused who fails to cooperate with providing
3 information in locating the parents of the accused, guardian, or
4 next friend for purpose of notice waives the right to have the
5 preliminary hearing commence within ninety (90) days of the filing
6 of the information. If the preliminary hearing did not commence
7 within ninety (90) days from the filing of the information due to
8 the absence or inability to locate the accused, the preliminary
9 hearing shall commence within ninety (90) days after the state has
10 actual notice of the in-state location of the accused. If the
11 accused is found out of state, the court shall set the hearing
12 within ninety (90) days after the accused has been returned to the
13 State of Oklahoma.

14 ~~3. At the conclusion of the state's case at the criminal~~
15 ~~preliminary hearing, the state and the accused person may offer~~
16 ~~evidence to support or oppose the motions for certification as a~~
17 ~~youthful offender or an alleged juvenile delinquent.~~

18 ~~E. The court shall rule on any motions for certification as a~~
19 ~~youthful offender or an alleged juvenile delinquent before ruling on~~
20 ~~whether to bind the accused over for trial. When ruling on a motion~~
21 ~~for certification as a youthful offender or juvenile, the court~~
22 ~~shall give consideration to the following guidelines with greatest~~
23 ~~weight to be given to paragraphs 1, 2 and 3:~~

24

1 ~~1. Whether the alleged offense was committed in an aggressive,~~
2 ~~violent, premeditated or willful manner;~~

3 ~~2. Whether the offense was against persons, and, if personal~~
4 ~~injury resulted, the degree of personal injury;~~

5 ~~3. The record and past history of the accused person, including~~
6 ~~previous contacts with law enforcement agencies and juvenile or~~
7 ~~criminal courts, prior periods of probation and commitments to~~
8 ~~juvenile institutions;~~

9 ~~4. The sophistication and maturity of the accused person and~~
10 ~~the capability of distinguishing right from wrong as determined by~~
11 ~~consideration of the person's psychological evaluation, home,~~
12 ~~environmental situation, emotional attitude and pattern of living;~~

13 ~~5. The prospects for adequate protection of the public if the~~
14 ~~accused person is processed through the youthful offender system or~~
15 ~~the juvenile system;~~

16 ~~6. The reasonable likelihood of rehabilitation of the accused~~
17 ~~person if such person is found to have committed the alleged~~
18 ~~offense, by the use of procedures and facilities currently available~~
19 ~~to the juvenile court; and~~

20 ~~7. Whether the offense occurred while the accused person was~~
21 ~~escaping or on escape status from an institution for youthful~~
22 ~~offenders or delinquent children.~~

23 ~~The court, in its decision on a motion for certification as a~~
24 ~~youthful offender or juvenile, shall detail findings of fact and~~

1 ~~conclusions of law to each of the above considerations, and shall~~
2 ~~state that the court has considered each of the guidelines in~~
3 ~~reaching its decision.~~

4 ~~F. The order certifying a person as a youthful offender or an~~
5 ~~alleged juvenile delinquent or denying the request for certification~~
6 ~~as either a youthful offender or an alleged juvenile delinquent~~
7 ~~shall be a final order, appealable to the Court of Criminal Appeals~~
8 ~~when entered.~~

9 ~~G. An order certifying the accused person as a youthful~~
10 ~~offender or an alleged juvenile delinquent shall not be reviewable~~
11 ~~by the trial court.~~

12 ~~H. If the accused person is prosecuted as an adult and is~~
13 ~~subsequently convicted of the alleged offense or against whom the~~
14 ~~imposition of judgment and sentencing has been deferred, the person~~
15 ~~may be incarcerated with the adult population and shall be~~
16 ~~prosecuted as an adult in all subsequent criminal proceedings.~~

17 **Section 2-5-206 - Acts Creating Youthful Offender Status - Petition**
18 **- Warrant - Preliminary Hearing - Sentencing**

19 A. Any person fifteen (15), sixteen (16) or seventeen (17)
20 years of age who is charged with:

- 21 1. Murder in the second degree;
- 22 2. Kidnapping;
- 23 3. Manslaughter in the first degree;

24

1 4. Robbery with a dangerous weapon or a firearm or attempt
2 thereof;

3 5. Robbery in the first degree or attempt thereof;

4 6. Rape in the first degree or attempt thereof;

5 7. Rape by instrumentation or attempt thereof;

6 8. Forcible sodomy;

7 9. Lewd molestation;

8 10. Arson in the first degree or attempt thereof; or

9 11. Any offense in violation of [Section 652](#) of Title 21 of the
10 Oklahoma Statutes,

11 ~~shall~~may be held accountable for such acts as a youthful
12 offender.

13 B. Any person sixteen (16) or seventeen (17) years of age who
14 is charged with:

15 1. Burglary in the first degree or attempted burglary in the
16 first degree;

17 2. Battery or assault and battery on a state employee or
18 contractor while in the custody or supervision of the Office of
19 Juvenile Affairs;

20 3. Aggravated assault and battery of a police officer;

21 4. Intimidating a witness;

22 5. Trafficking in or manufacturing illegal drugs;

23 6. Assault or assault and battery with a deadly weapon;

24 7. Maiming;

1 8. Residential burglary in the second degree after two or more
2 adjudications that are separated in time for delinquency for
3 committing burglary in the first degree or residential burglary
4 in the second degree;

5 9. Rape in the second degree; or

6 10. Use of a firearm while in commission of a felony,

7 ~~shall~~may be held accountable for such acts as a youthful
8 offender.

9 C. The district attorney may file a petition alleging the
10 person to be a delinquent or may file an information against the
11 accused person charging the person as a youthful offender. The
12 district attorney shall notify the Office of Juvenile Affairs upon
13 the filing of youthful offender charges.

14 ~~D. 1. Upon the filing of the information against such alleged~~
15 ~~youthful offender, a warrant shall be issued which shall set forth~~
16 ~~the rights of the accused person, and the rights of the parents,~~
17 ~~guardian or next friend of the accused person to be present at the~~
18 ~~preliminary hearing, and to have an attorney present.~~

19 ~~2. The warrant shall be personally served together with a~~
20 ~~certified copy of the information on the alleged youthful offender~~
21 ~~and on a custodial parent, guardian or next friend of the accused~~
22 ~~person.~~

23 ~~3. When personal service of a custodial parent, guardian or~~
24 ~~next friend of the alleged youthful offender cannot be effected,~~

1 ~~service may be made by certified mail to the last known address of~~
2 ~~the person, requesting a return receipt from the addressee only. If~~
3 ~~delivery is refused, notice may be given by mailing the warrant and~~
4 ~~a copy of the information on the accused person by regular first-~~
5 ~~class mail to the address where the person to be notified refused~~
6 ~~delivery of the notice sent by certified mail. Where the address of~~
7 ~~a custodial parent, guardian or next friend is not known, or if the~~
8 ~~mailed warrant and copy of the information on the accused person is~~
9 ~~returned for any reason other than refusal of the addressee to~~
10 ~~accept delivery, after a distinct and meaningful search of all~~
11 ~~reasonably available sources to ascertain the whereabouts of a~~
12 ~~custodial parent, guardian or next friend has been conducted, the~~
13 ~~court may order that notice of the hearing be given by publication~~
14 ~~one time in a newspaper of general circulation in the county. In~~
15 ~~addition, the court may order other means of service of notice that~~
16 ~~the court deems advisable or in the interests of justice.~~

17 ~~4. Before service by publication is ordered, the court shall~~
18 ~~conduct an inquiry to determine whether a thorough search has been~~
19 ~~made of all reasonably available sources to ascertain the~~
20 ~~whereabouts of any party for whom notice by publication is sought.~~

21 ~~E. The court shall commence a preliminary hearing within ninety~~
22 ~~(90) days of the filing of the information pursuant to [Section 258](#)~~
23 ~~of Title 22 of the Oklahoma Statutes, to determine whether the crime~~
24 ~~was committed and whether there is probable cause to believe the~~

1 ~~accused person committed the crime. If the preliminary hearing is~~
2 ~~not commenced within ninety (90) days, the state shall be prohibited~~
3 ~~from seeking an adult sentence unless the ninety-day requirement is~~
4 ~~waived by the defendant. If the whereabouts of the accused are~~
5 ~~unknown at the time of the filing of the information or if the~~
6 ~~accused is a fugitive, the State of Oklahoma shall make reasonable~~
7 ~~efforts to locate the accused in order to commence the proceedings.~~
8 ~~An accused who flees the jurisdiction of the court or purposely~~
9 ~~avoids apprehension for the charges, waives the right to have the~~
10 ~~preliminary hearing commenced within ninety (90) days of the filing~~
11 ~~of the information. If the preliminary hearing did not commence~~
12 ~~within ninety (90) days from the filing of the information due to~~
13 ~~the absence or inability to locate the accused, the preliminary~~
14 ~~hearing shall commence within ninety (90) days after the state has~~
15 ~~actual notice of the in-state location of the accused. If the~~
16 ~~accused is found out of state, the court shall set the hearing~~
17 ~~within ninety (90) days after the accused has been returned to the~~
18 ~~State of Oklahoma. An accused who fails to cooperate with providing~~
19 ~~information in locating the accused parent, guardian, or next friend~~
20 ~~for purpose of notice waives the right to have the preliminary~~
21 ~~hearing commence within ninety (90) days of the filing of the~~
22 ~~information.~~

1 ~~F. 1. The accused person may file a motion for certification to~~
2 ~~the juvenile justice system before the start of the criminal~~
3 ~~preliminary hearing:~~

4 ~~a. upon the filing of such motion, the complete juvenile record~~
5 ~~of the accused shall be made available to the district attorney and~~
6 ~~the accused person,~~

7 ~~b. at the conclusion of the state's case at the criminal~~
8 ~~preliminary hearing, the accused person may offer evidence to~~
9 ~~support the motion for certification as a child.~~

10 ~~2. If no motion to certify the accused person to the juvenile~~
11 ~~justice system has been filed, at the conclusion of the criminal~~
12 ~~preliminary hearing the court may on its own motion hold a hearing~~
13 ~~on the matter of the certification of the accused youthful offender~~
14 ~~to the juvenile system.~~

15 ~~3. All reports, evaluations, motions, records, exhibits or~~
16 ~~documents regarding the educational history, mental health or~~
17 ~~medical treatment or condition of the offender that are submitted to~~
18 ~~the court or admitted into evidence during the hearing on the motion~~
19 ~~for certification of the accused youthful offender to the juvenile~~
20 ~~system or motion for imposition of an adult sentence are~~
21 ~~confidential and shall be filed or admitted under seal, except that~~
22 ~~such records shall be provided to the Office of Juvenile Affairs.~~
23 ~~Any testimony regarding the reports, evaluations, motions, records,~~
24 ~~exhibits or documents shall be given in camera and shall not be open~~

1 ~~to the general public; provided, all persons having a direct~~
2 ~~interest in the case as provided in paragraph 1 of subsection A of~~
3 ~~Section 2-2-402 of this title shall be allowed to be present during~~
4 ~~the testimony but shall be admonished not to discuss the testimony~~
5 ~~following the hearing. All reports, evaluations, motions, records,~~
6 ~~exhibits or documents shall be released from under seal by order of~~
7 ~~the court if the youthful offender is sentenced to the custody or~~
8 ~~supervision of the Department of Corrections by the court pursuant~~
9 ~~to either paragraph 1 of subsection B of Section 2-5-209 or~~
10 ~~paragraph 5 of subsection B of Section 2-5-210 of this title or if~~
11 ~~the juvenile or youthful offender is later charged as an adult with~~
12 ~~a felony crime.~~

13 ~~4. The court shall rule on the certification motion before~~
14 ~~ruling on whether to bind the accused over for trial. When ruling on~~
15 ~~the certification motion, the court shall give consideration to the~~
16 ~~following guidelines with the greatest weight given to subparagraphs~~
17 ~~a, b and c:~~

18 ~~a. whether the alleged offense was committed in an aggressive,~~
19 ~~violent, premeditated or willful manner,~~

20 ~~b. whether the offense was against persons, and if personal~~
21 ~~injury resulted, the degree of personal injury,~~

22 ~~c. the record and past history of the accused person, including~~
23 ~~previous contacts with law enforcement agencies and juvenile or~~
24

1 ~~criminal courts, prior periods of probation and commitments to~~
2 ~~juvenile institutions,~~

3 ~~d. the sophistication and maturity of the accused person and~~
4 ~~the accused person's capability of distinguishing right from wrong~~
5 ~~as determined by consideration of the accused person's psychological~~
6 ~~evaluation, home, environmental situation, emotional attitude and~~
7 ~~pattern of living,~~

8 ~~e. the prospects for adequate protection of the public if the~~
9 ~~accused person is processed through the youthful offender system or~~
10 ~~the juvenile system,~~

11 ~~f. the reasonable likelihood of rehabilitation of the accused~~
12 ~~person if the accused is found to have committed the alleged~~
13 ~~offense, by the use of procedures and facilities currently available~~
14 ~~to the juvenile court, and~~

15 ~~g. whether the offense occurred while the accused person was~~
16 ~~escaping or in an escape status from an institution for youthful~~
17 ~~offenders or juvenile delinquents.~~

18 ~~5. In its decision on the motion for certification as an~~
19 ~~alleged juvenile delinquent, the court shall detail findings of fact~~
20 ~~and conclusions of law to each of the above considerations and shall~~
21 ~~state that the court has considered each of the guidelines in~~
22 ~~reaching its decision.~~

23

24

1 ~~6. An order certifying a person or denying such certification~~
2 ~~to the juvenile justice system shall be a final order, appealable~~
3 ~~when entered.~~

4 D. The accused person is presumed to be a youthful offender and
5 proceedings shall continue under that presumption unless the state
6 files a motion for imposition of an adult sentence pursuant to
7 section 2-5-208 of this title.

8 E. Upon conviction adjudication, sentence may be imposed as a
9 sentence for a youthful offender as provided by [Section 2-5-209](#) of
10 this title. If the youthful offender sentence is imposed as an adult
11 sentence as provided by [Section 2-5-208](#) of this title, the convicted
12 person may be incarcerated with the adult population if the person
13 is over the age of eighteen (18) but if the person is under the age
14 of eighteen (18) they may only be held in an adult facility if the
15 facility provides for sight and sound separation from the adult
16 population.

17 **Section 2-5-207 - Legislative Intent and Findings**

18 It is the intent of the Legislature to fully utilize the Youthful
19 Offender Act as a means to protect the public while rehabilitating
20 and holding youth accountable for serious crimes. The Legislature
21 finds that eligible seventeen-year-olds should have the opportunity
22 to be processed as youthful offenders as provided by law and held
23 accountable through the various provisions of the Youthful Offender
24 Act for custody, institutional placement, supervision, extended

1 jurisdiction within the Office of Juvenile Affairs, and the ability
2 to transfer youthful offenders to the Department of Corrections when
3 incarceration or additional supervision is required beyond the
4 maximum age allowed in the Office of Juvenile Affairs. No older
5 youth should be deemed ineligible or denied consideration as a
6 youthful offender who is otherwise lawfully eligible based upon the
7 age of the youth being seventeen (17) years, but it is the intent of
8 the Legislature that such youthful offender shall not remain in the
9 custody or under the supervision of the Office of Juvenile Affairs
10 beyond the youthful offender's maximum age of eighteen (18) years
11 and six (6) months or until nineteen (19) years of age if
12 jurisdiction has been extended as provided in subsection B of
13 [Section 2-5-209](#) of this title. To deny access to an otherwise
14 eligible older youth without cause is to circumvent the original
15 intent of the Legislature in creating the Youthful Offender Act.

16

17 **Section 2-5-208 Motion for Imposition of Adult Sentence - Hearing -**
18 **Investigation - Considerations - Proof - Effect of Certification -**
19 **Some Records Confidential, Sealed**

20 A. Whenever the district attorney believes that there is good
21 cause to believe that a person charged as a youthful offender would
22 not reasonably complete a plan of rehabilitation or the public would
23 not be adequately protected if the person were to be sentenced as a
24 youthful offender, and should receive an adult sentence, the

1 district attorney shall file a motion for consideration of the
2 imposition of the sentence as for an adult if the person is
3 convicted:

4 1. Not more than thirty (30) days following formal
5 arraignment/bind over and such motion will be ruled upon by the
6 trial court; or the district attorney may file the motion to impose
7 adult sentence fourteen (14) days prior to the start of the
8 preliminary hearing and the preliminary hearing magistrate will rule
9 on that motion. The district attorney must elect when to file the
10 motion for adult sentence and if the motion is filed and argued to
11 the magistrate, it cannot again be filed and argued to the trial
12 court after arraignment; or

13 2. If, prior to that time, the accused person indicates to the
14 court that the accused person wishes to plead guilty or nolo
15 contendere, the court shall grant the state ten (10) days from that
16 date to file the motion required by this subsection, if requested by
17 the state.

18 B. Upon the filing of such motion and prior to the trial or
19 before the entry of the plea of guilty or nolo contendere the court
20 shall hold a hearing to determine the matter.

21 C. 1. The court shall order an investigation to be conducted
22 unless waived by the accused person with approval of the court. Any
23 such investigation required shall be conducted by the Office of
24 Juvenile Affairs. All reports, evaluations, motions, records,

1 exhibits or documents regarding the educational history, mental
2 health or medical treatment or condition of the offender that are
3 submitted to the court or admitted into evidence during the hearing
4 ~~on the motion for certification as a youthful offender to the~~
5 ~~juvenile system or~~ the motion for imposition of an adult sentence
6 are confidential and shall be filed or admitted under seal, except
7 that such records shall be provided to the Office of Juvenile
8 Affairs. Any testimony regarding the reports, evaluations, motions,
9 records, exhibits or documents shall be given in camera and shall
10 not be open to the general public; provided, all persons having a
11 direct interest in the case as provided in paragraph 1 of subsection
12 A of [Section 2-2-402](#) of this title shall be allowed to be present
13 during the testimony but shall be admonished not to discuss the
14 testimony following the hearing. All reports, evaluations, motions,
15 records, exhibits or documents shall be released from under seal by
16 order of the court if the youthful offender is sentenced to the
17 custody or supervision of the Department of Corrections by the court
18 pursuant to either paragraph 1 of subsection B of [Section 2-5-209](#) or
19 paragraph 5 of subsection B of [Section 2-5-210](#) of this title or if
20 the juvenile or youthful offender is later charged as an adult with
21 a felony crime.

22 2. At the hearing the court shall consider, with the greatest
23 weight given to subparagraphs a, b and c:

24

- 1 a. whether the offense was committed in an aggressive, violent,
2 premeditated or willful manner,
- 3 b. whether the offense was against persons and, if personal
4 injury resulted, the degree of injury,
- 5 c. the record and past history of the accused person, including
6 previous contacts with law enforcement agencies and juvenile or
7 criminal courts, prior periods of probation and commitments to
8 juvenile institutions,
- 9 d. the sophistication and maturity of the accused person and
10 the capability of distinguishing right from wrong as determined by
11 consideration of the psychological evaluation, home, environmental
12 situation, emotional attitude and pattern of living of the accused
13 person,
- 14 e. the prospects for adequate protection of the public if the
15 accused person is processed through the youthful offender system, ~~or~~
16 ~~the juvenile system,~~
- 17 f. the reasonable likelihood of rehabilitation of the accused
18 person if the accused person is found to have committed the alleged
19 offense, by the use of procedures and facilities currently available
20 to the juvenile court, and
- 21 g. whether the offense occurred while the accused person was
22 escaping or on escape status from an institution for youthful
23 offenders or delinquent children.
- 24

1 D. After the hearing and consideration of the report of the
2 investigation, the court shall certify the person as eligible for
3 the imposition of an adult sentence only if it finds by clear and
4 convincing evidence that there is good cause to believe that the
5 accused person would not reasonably complete a plan of
6 rehabilitation or that the public would not be adequately protected
7 if the person were to be sentenced as a youthful offender.
8 In its decision on the motion of the state for imposition of an
9 adult sentence, the court shall detail findings of fact and
10 conclusions of law to each of the considerations in subsection C of
11 this section and shall state that the court has considered each of
12 its guidelines in reaching its decision.

13 E. An order certifying or denying certification for imposition
14 of an adult sentence shall be a final order, appealable when
15 entered.

16 F. If the person has been certified as eligible to be sentenced
17 as an adult, the court shall, upon a verdict of guilty or the entry
18 of a plea of guilty or nolo contendere, impose sentence as provided
19 by law for an adult for punishment of the offense committed, subject
20 to the power and authority of the court to suspend or delay
21 sentence, defer judgment, or otherwise structure, limit, or modify
22 sentence as provided in Title 22 of the Oklahoma Statutes or the
23 Youthful Offender Act. When sentence is imposed pursuant to this
24 subsection, the person shall be treated as an adult for purposes of

1 supervision, incarceration and in all subsequent criminal
2 proceedings.

3 ~~G. Upon a verdict of guilty or a plea of guilty or nolo~~
4 ~~contendere, the court may order the person to pay a fee to the~~
5 ~~Office of Juvenile Affairs of not less than Twenty-five Dollars~~
6 ~~(\$25.00), nor more than Five Hundred Dollars (\$500.00), for the~~
7 ~~presentence or certification investigation. In hardship cases, the~~
8 ~~court may waive the fee or set the amount of the fee and establish a~~
9 ~~payment schedule.~~

10 **2-5-209 - Hearing - Considerations - Sentence Options -**

11 **Dispositional Orders**

12 A. Upon a verdict of guilty or a plea of guilty or nolo
13 contendere of a youthful offender and prior to the imposition of a
14 youthful offender sentence by the court:

15 1. ~~A youthful offender presentence investigation shall be conducted~~
16 ~~unless waived by the youthful offender with approval of the court or~~
17 ~~unless an investigation is conducted pursuant to subsection C of~~
18 ~~[Section 2-5-208](#) of this title. All reports, evaluations, motions,~~
19 ~~records, exhibits or documents regarding the educational history,~~
20 ~~mental health or medical treatment or condition of the offender that~~
21 ~~are submitted to the court or admitted into evidence during the~~
22 ~~hearing on the motion for certification of the accused youthful~~
23 ~~offender to the juvenile system or motion for imposition of an adult~~
24 ~~sentence are confidential and shall be filed or admitted under seal,~~

1 ~~except that such records shall be provided to the Office of Juvenile~~
2 ~~Affairs. Any testimony regarding the reports, evaluations, motions,~~
3 ~~records, exhibits or documents shall be given in camera and shall~~
4 ~~not be open to the general public; provided, all persons having a~~
5 ~~direct interest in the case as provided in paragraph 1 of subsection~~
6 ~~A of [Section 2-2-402](#) of this title shall be allowed to be present~~
7 ~~during the testimony but shall be admonished not to discuss the~~
8 ~~testimony following the hearing. All reports, evaluations, motions,~~
9 ~~records, exhibits or documents shall be released from under seal by~~
10 ~~order of the court if the youthful offender is sentenced to the~~
11 ~~custody or supervision of the Department of Corrections by the court~~
12 ~~pursuant to paragraph 1 of subsection B of Section 2-5-209 or~~
13 ~~paragraph 5 of subsection B of [Section 2-5-210](#) of this title or if~~
14 ~~the juvenile or youthful offender is later charged as an adult with~~
15 ~~a felony crime. Any presentence investigation required by this~~
16 ~~section shall be conducted by the Office of Juvenile Affairs; and~~
17 ~~2. The court shall conduct a hearing and shall consider, with the~~
18 ~~greatest weight given to subparagraphs a, b and c:~~
19 ~~a. whether the offense was committed in an aggressive, violent,~~
20 ~~premeditated or willful manner,~~
21 ~~b. whether the offense was against persons and, if personal injury~~
22 ~~resulted, the degree of personal injury,~~
23 ~~c. the record and past history of the person, including previous~~
24 ~~contacts with law enforcement agencies and juvenile or criminal~~

1 ~~courts, prior periods of probation and commitments to juvenile~~
2 ~~institutions,~~
3 ~~d. the sophistication and maturity of the person and the capability~~
4 ~~of distinguishing right from wrong as determined by consideration of~~
5 ~~the psychological evaluation, home, environmental situation,~~
6 ~~emotional attitude and pattern of living of the person,~~
7 ~~e. the prospects for adequate protection of the public if the person~~
8 ~~is processed through the youthful offender system or the juvenile~~
9 ~~system,~~
10 ~~f. the reasonable likelihood of rehabilitation of the person if~~
11 ~~found to have committed the offense, by the use of procedures and~~
12 ~~facilities currently available to the juvenile, and~~
13 ~~g. whether the offense occurred while the person was escaping or on~~
14 ~~escape status from an institution for youthful offenders or~~
15 ~~delinquent children.~~
16 ~~B. 1. After the hearing and consideration of the report of the~~
17 ~~presentence investigation,~~ the court shall impose sentence as a
18 youthful offender, and such youthful offender shall be subject to
19 the same type of sentencing procedures and duration of sentence,
20 except for capital offenses, including suspension or deferment, as
21 an adult convicted of a felony offense, except that any sentence
22 imposed upon the youthful offender shall be served in the custody or
23 under the supervision of the Office of Juvenile Affairs until the
24 expiration of the sentence, the youthful offender is discharged, or

1 the youthful offender reaches eighteen (18) years of age, whichever
2 first occurs. If an individual sentenced as a youthful offender
3 attains eighteen (18) years of age prior to the expiration of the
4 sentence, such individual shall be returned to the sentencing court.
5 At that time, the sentencing court shall make one of the following
6 determinations:

7 a. whether the youthful offender shall be returned to the
8 Office of Juvenile Affairs to complete a treatment program, provided
9 that the treatment program shall not exceed the youthful offender's
10 attainment of eighteen (18) years and six (6) months of age. At the
11 conclusion of the treatment program, the individual shall be
12 returned to the sentencing court for a determination under
13 subparagraph b, c or d of this paragraph,

14 b. whether the youthful offender shall be placed in the custody
15 of the Department of Corrections for a term of imprisonment,

16 c. whether the youthful offender shall be placed on probation
17 with the Department of Corrections on a deferred or suspended
18 sentence, or

19 d. whether the youthful offender shall be discharged from
20 custody without a sentence imposed.

21 2. The sentence imposed shall not exceed the maximum sentence
22 already imposed in the originating sentence.

23 3. Upon the youthful offender attaining the age of eighteen
24 (18) years and six (6) months, the Office of Juvenile Affairs may

1 recommend that the youthful offender be returned to the custody or
2 supervision of the Office of Juvenile Affairs until the age of
3 nineteen (19) years to complete the reintegration phase of the
4 treatment program or community supervision as determined by the
5 Office of Juvenile Affairs. During any period of extension, a
6 youthful offender may be transferred to the Department of
7 Corrections as provided in paragraph 5 of subsection B of Section 2-
8 5-210 of this title, whether the youthful offender is placed in an
9 out-of-home placement or in the community.

10 4. If the court has extended jurisdiction of the youthful
11 offender until nineteen (19) years of age, the youthful offender
12 shall remain in custody or under the supervision of the Office of
13 Juvenile Affairs until the youthful offender has been discharged or
14 sentenced by the court or until the youthful offender's nineteenth
15 birthday, at which time the youthful offender shall be returned to
16 the court for final disposition of the youthful offender's case. The
17 court shall have the same dispositional options as provided in
18 subparagraphs b, c and d of paragraph 1 of this subsection.

19 5. Any period of probation required by the sentencing court to
20 be served shall be supervised by:

21 a. the Office of Juvenile Affairs or designated representative,
22 if the youthful offender is under eighteen (18) years of age, or

23 b. the Department of Corrections or designated representative,
24 upon the youthful offender attaining eighteen (18) years of age.

1 6. In addition to or in lieu of the placement of the youthful
2 offender in the custody of or under the supervision of the Office of
3 Juvenile Affairs, the court may issue orders with regard to the
4 youthful offender as provided by law for the disposition of an
5 adjudicated juvenile delinquent as long as the age of the youthful
6 offender does not exceed nineteen (19) years.

7 ~~7. It is the intent of the Oklahoma Legislature that youthful~~
8 ~~offenders be held insofar as is practical separate from the juvenile~~
9 ~~delinquent population.~~

10 ~~7.~~ The Office of Juvenile Affairs may make recommendations to
11 the court concerning the disposition of the youthful offender.

12 ~~8.~~ Any order issued by the sentencing court under this
13 subsection shall be a final order, appealable when entered.

14 9. Any arrest or detention under the Oklahoma Juvenile Code or
15 any adjudication as a youthful offender shall not be considered an
16 arrest, detention or conviction for purposes of employment, civil
17 rights, or any statute, regulation, license, questionnaire,
18 application, or any other public or private purposes, unless
19 otherwise provided by law.

20 C. A youthful offender who is ~~seventeen (17) or~~ eighteen (18)
21 years of age or older and who has been sentenced to the custody of
22 the Office of Juvenile Affairs may be detained in a county jail
23 pending placement in an Office of Juvenile Affairs facility, and
24 ~~provided the county jail meets the jail standards promulgated by the~~

1 ~~State Department of Health for juvenile offenders. The youthful~~
2 ~~offender who is eighteen (18) years of age or older may be held in~~
3 ~~the general population of the county jail.~~

4 D. Upon sentencing a youthful offender to the supervision or
5 custody of the Office of Juvenile Affairs, the sentencing court
6 shall file with the Court Clerk a certified Judgment of Adjudication
7 as a Youthful Offender. The Judgment of Adjudication shall reflect
8 the date of adjudication, the adjudicated crimes, and the sentence
9 imposed. The Judgment of Adjudication shall reflect the presence and
10 identification of defense counsel at said adjudication.

11 **Section 2-5-210 - Rehabilitation Plans - Semiannual Review - Review**
12 **Hearing - Court Options**

13 A. Whenever a youthful offender is placed in the custody of or
14 under the supervision of the Office of Juvenile Affairs, the Office
15 shall within thirty (30) days prepare and file with the court a
16 written rehabilitation plan for the youthful offender. The
17 rehabilitation plan shall be tailored to the needs and goals of the
18 youthful offender while ensuring protection of the public while the
19 offender is in the custody or supervision of the Office of Juvenile
20 Affairs. The rehabilitation plan shall include, but not be limited
21 to:

22 1. Clearly stated and measurable objectives which the youthful
23 offender is expected to achieve; and
24

1 2. Identification of the specific services and programs that
2 will be provided to the youthful offender by the Office of Juvenile
3 Affairs to assist the youthful offender in achieving the measurable
4 objectives to be reached, including, but not limited to, diagnostic
5 testing consistent with the current standards of medical practice.

6 B. The court shall schedule ~~an annual~~ review hearing at least
7 every six (6) months in open court for every youthful offender in
8 the custody of the Office of Juvenile Affairs. Such hearing may be
9 scheduled either upon the court's own motion or upon a motion filed
10 by the Office of Juvenile Affairs. ~~Each annual review hearing shall~~
11 ~~be scheduled and completed within the thirty-day period immediately~~
12 ~~preceding the date the sentence was imposed upon the youthful~~
13 ~~offender.~~ Notice shall be given to the youthful offender, the
14 counsel, parent or guardian of the youthful offender, the district
15 attorney, and the Office of Juvenile Affairs at the time the motion
16 for review is made or filed. The court, at its discretion, may
17 schedule other review hearings as the court deems necessary, after
18 notice to the parties. The court shall hold a review hearing for
19 good cause shown, upon any motion filed by the district attorney,
20 the Office of Juvenile Affairs, or the youthful offender for the
21 purpose of making a determination to:

22 1. Order the youthful offender discharged from the custody of
23 the Office of Juvenile Affairs without a court judgment of guilt,
24 and order the verdict or plea of guilty or plea of nolo contendere

1 expunged from the record as provided in paragraphs 1 through 5 of
2 subsection ED of Section 991c of Title 22 of the Oklahoma Statutes
3 and dismiss the charge with prejudice to any further action, if the
4 court finds that the youthful offender has reasonably completed the
5 rehabilitation plan and objectives and that such dismissal will not
6 jeopardize public safety.

7 If a youthful offender has been discharged without a court
8 judgment of guilt and the charge has been dismissed with prejudice
9 as provided in this paragraph, upon the motion of the youthful
10 offender and the passage of three (3) years after the date of such
11 discharge and dismissal, the court may, in addition, order any law
12 enforcement agency over which the court has jurisdiction to expunge
13 all files and records pertaining to the arrest and ~~conviction~~
14 adjudication of the youthful offender, and shall order the clerk of
15 the court to expunge the entire file and record of the case,
16 including docket sheets, index entries, court records, summonses,
17 warrants or records in the office of the clerk or which have been
18 produced by a law enforcement agency in which the name of the
19 youthful offender is mentioned. The court may order probation
20 officers and counselors of the Office of Juvenile Affairs to expunge
21 all records, reports, and social and clinical studies relating to
22 the youthful offender that are in the possession of the Office of
23 Juvenile Affairs, except when the documents are necessary to
24 maintain state or federal funding.

1 Members of the judiciary, district attorneys, the youthful offender,
2 counsel for the youthful offender, employees of juvenile bureaus and
3 the Office of Juvenile Affairs who are assigned juvenile court
4 intake responsibilities, and the Department of Corrections may
5 access records that have been expunged pursuant to this subsection
6 without a court order for the purpose of determining whether to
7 dismiss an action, seek a voluntary probation, file a petition or
8 information, or for purposes of sentencing or placement in a case
9 where the person who is the subject of the sealed record is alleged
10 to have committed a subsequent youthful offender act, a juvenile
11 delinquent act, or any adult criminal offense. Provided, any record
12 sealed pursuant to this section shall be ordered unsealed upon
13 application of the prosecuting agency when said records are
14 requested for use in any subsequent juvenile delinquent, youthful
15 offender, or adult prosecution.

16 As used in this paragraph, "expunge" shall mean the sealing of
17 criminal records;

18 2. Revoke an order of probation and place the youthful offender
19 in the custody of the Office of Juvenile Affairs if such offender is
20 less than eighteen (18) years of age;

21 3. Place the youthful offender on probation under the
22 supervision of the age-appropriate agency;

23 4. Place the youthful offender if less than eighteen (18) years
24 of age in a sanction program operated or contracted for by the

1 Office of Juvenile Affairs community placement, if the youthful
2 offender fails to comply with a written plan of rehabilitation or
3 fails substantially to achieve reasonable treatment objectives while
4 in community or other nonsecure programs; or

5 5. Transfer the youthful offender to the custody or supervision
6 of the Department of Corrections if the court finds by clear and
7 convincing evidence that the youthful offender has:

8 a. after ~~certification~~adjudication as a youthful offender,
9 seriously injured or endangered the life or health of another person
10 by such person's violent behavior,

11 b. escaped from the facility from which the youthful offender
12 is being held,

13 c. committed a felony crime while in the custody or under the
14 supervision of the Office of Juvenile Affairs as shown by a judgment
15 entered following a verdict of guilty, a plea of guilty or nolo
16 contendere, or as shown by clear and convincing evidence,

17 d. committed battery or assault and battery on a state employee
18 or contractor of a juvenile facility while in the custody of such
19 facility,

20 e. caused disruption in the facility, smuggled contraband into
21 the facility, caused contraband to be smuggled into the facility, or
22 engaged in other types of behavior which have endangered the life or
23 health of other residents or staff of the facility, or

24

1 f. established a pattern of disruptive behavior not conducive
2 to the established policies and procedures of the program.

3 The court, in its decision to transfer custody of the youthful
4 offender to the custody of the Department of Corrections, shall
5 detail findings of fact and conclusions of law addressing the
6 grounds alleged in the motion of the state or the Office of Juvenile
7 Affairs.

8 C. An order transferring custody of a youthful offender to the
9 Department of Corrections shall be deemed an adult conviction and
10 shall be recorded as such in the court records and criminal history
11 records of the offender. Such order shall be a final order,
12 appealable when entered. In addition to a judgment and sentence for
13 an adult conviction, the court shall provide to the Department of
14 Corrections a detailed memorandum or historical statement of the
15 Youthful Offender Act as applied to the offender being transferred
16 to the Department of Corrections, including the date of the offense,
17 the date of the adjudication as a youthful offender, the date of the
18 filing of the motion to transfer custody of the offender to the
19 adult criminal system, and the date of the imposition of the adult
20 sentence.

21 D. The court shall grant time-served credits against the adult
22 sentence imposed for any youthful offender transferred to the
23 Department of Corrections. For the purpose of calculating time
24 served to be applied toward any sentence imposed upon a youthful

1 offender, in the event a youthful offender has been placed in the
2 custody or under the supervision of the Office of Juvenile Affairs,
3 the offender shall receive day-for-day credit for the time spent in
4 the custody or under the supervision of the Office of Juvenile
5 Affairs. Upon commitment to the Department of Corrections, a
6 youthful offender shall also receive other credits as provided by
7 law for an adult inmate.

8 E. If authorized by the court, review hearings, other than those
9 scheduled for determinations as provided in paragraphs 1 through 5
10 of subsection B of this section, may be conducted via teleconference
11 communications; provided, the attorney representing the youthful
12 offender shall be present at the hearing. For purposes of this
13 subsection, "teleconference communication" means participation by
14 the youthful offender and facility staff in the hearing by
15 interactive telecommunication devices which permit both visual and
16 auditory communication among the necessary participants, the court,
17 and the youthful offender.

18

19 **Section 2-5-211 - Identification of Transferred Youthful Offenders**

20 When committing a person who is, or has been, ~~certified as a~~
21 ~~youthful offender and is~~ certified eligible for the imposition as an
22 adult sentence pursuant to Section 2-5-208 of this title, or
23 ~~certified~~ adjudicated as a youthful offender and is being
24 transferred to the Department of Corrections for custody or

1 supervision pursuant to Section 2-5-210 of this title, or sentenced
2 as an adult after previously being ~~certified~~ adjudicated as a
3 youthful offender, the judgment and sentence shall clearly identify
4 such person as a youthful offender, or previous youthful offender,
5 and detail the history of the applications of the Youthful Offender
6 Act to such person that resulted in the current commitment to the
7 Department of Corrections.

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**Section 2-5-212 - Placement of Youthful Offender - Responsibilities
of Office Department of Juvenile Justice Affairs- Rights of Youthful
Offender**

A. Whenever a youthful offender is committed to the custody of
the Office of Juvenile Affairs, the Office of Juvenile Affairs may:

1. Place the youthful offender in a secure facility or other
institution or facility maintained by the state for delinquents or
youthful offenders;

2. Place the youthful offender in a group home or community
residential facility for delinquents or youthful offenders;

3. Place the youthful offender under community supervision
prior to or after a period of placement in one or more of the
facilities referred to in paragraphs 1 and 2 of this subsection. The
Office of Juvenile Affairs may place a youthful offender in his or

1 her own home, or an independent living or other similar living
2 arrangement within the community of the residence of the youthful
3 offender only upon the approval of the court; provided, the court
4 shall not prohibit the reintegration of the youthful offender into
5 the community except upon finding that the youthful offender has not
6 reasonably completed the rehabilitation plan objectives established
7 as preconditions for reintegration into the community or that the
8 public would not be adequately protected if the youthful offender is
9 reintegrated into the community; or

10 4. Place the youthful offender in a sanction program, as
11 available, if the youthful offender fails to comply with a written
12 plan of rehabilitation or fails substantially to achieve reasonable
13 treatment objectives while in community or other nonsecure programs.
14

15 B. Placement of the youthful offender pursuant to this section
16 or any other provision of law shall be the responsibility of the
17 Office of Juvenile Affairs and shall occur as soon as reasonably
18 possible but not more than forty-five (45) days following the filing
19 and adoption of the written rehabilitation plan as provided in
20 Section 2-5-210 of this title. This placement time period may be
21 extended upon the declaration of an emergency by the Board of
22 Juvenile Affairs. For the purposes of this section, "emergency"
23 means any situation that places the health, safety and well-being of
24 the residents or staff in imminent peril. The court shall not have

1 authority to require specific placement of a youthful offender in a
2 time frame which would require the removal of any other juvenile or
3 youthful offender from such placement.

4 C. The Office of Juvenile Affairs shall be responsible for the
5 care and control of a youthful offender placed in the custody of the
6 Office of Juvenile Affairs, and shall have the duty and the
7 authority to provide food, clothing, shelter, ordinary medical care,
8 education, discipline and in an emergency to authorize surgery or
9 other extraordinary care. The medical care, surgery and
10 extraordinary care shall be charged to the appropriate agency where
11 the youthful offender qualifies for the care under law, rule,
12 regulation or administrative order or decision. Nothing in this
13 section shall abrogate the right of a youthful offender to any
14 benefits provided through public funds nor the parent's statutory
15 duty or responsibility to provide said necessities; further, no
16 person, agency or institution shall be liable in a civil suit for
17 damages for authorizing or not authorizing surgery or extraordinary
18 care in an emergency, as determined by competent medical authority.
19 A youthful offender placed in the custody of the Office of Juvenile
20 Affairs who has attained eighteen (18) years of age or older may
21 authorize and consent to the medical care sought on behalf of the
22 youthful offender by the Office of Juvenile Affairs and to be
23 provided to the youthful offender by a qualified health care
24 professional. No state employee shall be liable for the costs of any

1 medical care or behavioral health services provided to any child in
2 the custody of the Office of Juvenile Affairs.

3 D. A youthful offender in the custody of the Office of Juvenile
4 Affairs shall:

5 1. Be entitled to the rights afforded juvenile delinquents
6 pertaining to any due process afforded delinquents in regard to
7 movement from a nonsecure to a secure placement; and
8

9 2. As appropriate to the age and circumstances of the youthful
10 offender, be provided education, employment, and employment skills
11 and vocational and technical or higher education services,
12 apprenticeship programs and similar opportunities.

13 E. The Office of Juvenile Affairs shall have standing to seek
14 review, including appellate review, of any order directing the
15 Office of Juvenile Affairs to take any action with regard to a
16 youthful offender placed in the custody or under the supervision of
17 the Office of Juvenile Affairs.

18 **Section 2-5-213 - Pardon and Restoration of Citizenship - Setting**
19 **Aside of Conviction - Release from Penalties - Destruction of**
20 **Records**

21 A. Upon the motion of a person who has been ~~convicted~~
22 adjudicated and sentenced as a youthful offender and who has been
23 subsequently transferred to the adult system pursuant to Section 2-
24

1 5-210 of this title though a transfer to the custody or supervision
2 of the Department of Corrections, with the recommendation of the
3 sentencing court, the Governor may grant a full and complete pardon
4 and restore citizenship to any person who has been convicted and
5 sentenced as an adult ~~a youthful offender~~ and who has completed the
6 sentence or been discharged from parole.

7 ~~B. Upon the motion of a person convicted as a youthful offender, and~~
8 ~~three (3) years after the expiration of the sentence of the youthful~~
9 ~~offender, the court may set aside the conviction if:~~

10 1. ~~The court has previously found that the person has~~
11 ~~reasonably complied with the rehabilitation plan and objectives;~~

12 2. ~~The person was discharged from supervision by the Office of~~
13 ~~Juvenile Affairs, or was granted early discharge from such~~
14 ~~supervision by the court; or~~

15 3. ~~The person has completed the sentence imposed as a result of~~
16 ~~his first conviction as a youthful offender and has no subsequent~~
17 ~~convictions.~~

18 ~~If a conviction is set aside pursuant to this subsection, the~~
19 ~~youthful offender shall thereafter be released from all penalties~~
20 ~~and disabilities resulting from the offense for which such person~~
21 ~~was convicted, including but not limited to, any disqualification~~
22 ~~for any employment or occupational license, or both, created by any~~
23 ~~other provision of law. The court may in addition order any law~~
24 ~~enforcement agency over whom the court has jurisdiction to produce~~

1 ~~all files and records pertaining to said arrest and conviction of~~
2 ~~the youthful offender and shall order the clerk of the court to~~
3 ~~destroy the entire file and record of the case, including docket~~
4 ~~sheets, index entries, court records, summons, warrants or records~~
5 ~~in the office of the clerk or which have been produced by a law~~
6 ~~enforcement agency in which the name of the youthful offender is~~
7 ~~mentioned. The court may order probation officers and counselors to~~
8 ~~destroy all records, reports, and social and clinical studies~~
9 ~~relating to said youthful offender that are in their possession~~
10 ~~except when said documents are necessary to maintain state or~~
11 ~~federal funding.~~

12 **Section 2-5-301 - Educational Needs and Opportunities**

13 Any child under eighteen (18) years of age who is a legal
14 resident or the child of legal residents of the State of Oklahoma
15 who is detained, held or arrested for any offense pursuant to any
16 provision of the Juvenile Code or Criminal Code of this state,
17 including such persons subject to adult prosecution, youthful
18 offender proceedings, certification as an adult, reverse
19 certification or juvenile proceedings, shall be identified within
20 seventy-two (72) hours of such detention or arrest for educational
21 needs and shall be afforded such educational opportunities by the
22 State Department of Education without delay while in such facility
23 or jail, including city, county and state jails, holding facilities
24 and juvenile or correctional institutions.

SECTION 1. This act shall become effective November 1, 2020.

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